

EMPLOYEE POLICIES HANDBOOK

State Department of Education

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Dr. Marilyn Howard
State Superintendent of Public Instruction

Employee Policies Handbook Disclaimer

The employee is aware that this Employee Handbook is not intended to create a contract of employment. Rather, it is simply intended to describe the State Department of Education and its present policies. These policies, which supersede all prior policies, may, and likely will be, changed from time to time, as the State Department of Education deems appropriate. Further, the employee understands and agrees that the employee's employment can be terminated, with or without cause, and with or without notice, at any time at the option of the State Department of Education or the employee.

STATE DEPARTMENT OF EDUCATION

Employee Policies Handbook

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State Superintendent of Public Instruction

The State Superintendent of Public Instruction is an elected executive officer of Idaho chosen in statewide election once every four years. The state superintendent is responsible for carrying out policies and procedures established by the State Board of Education, for implementing statutory requirements enacted by the Idaho Legislature, and for organizing and managing the State Department of Education.

In addition to serving as an ex officio voting member of the State Board of Education, the State Superintendent of Public Instruction is a member of the State Board of Land Commissioners and the State Library Board.

Welcome

Acknowledgement

We want to acknowledge and thank members of the SDE Employee Policies Handbook Action Team, chaired by Peggy Temple, who spent hours reviewing policy, drafting revisions, preparing proposals, and compiling this final handbook for their colleagues. Working as an adjunct to the SDE's Organizational Improvement Council, the team members gave generously of their time and broad knowledge of departmental practices. We appreciate their hard work and commitment.

Introduction

The State Department of Education's **Employee Policies Handbook** is an internal reference work intended to ensure that all SDE employees understand all agency-wide policies as they relate to each employee and to the work environment.

Understanding agency-wide policies is essential for several reasons. Policies provide answers to questions regarding work hours, leave, travel, correspondence, participation in departmental activities, and similar issues. They establish expectations for how SDE employees will conduct themselves. They ensure that decisions will be made consistently and uniformly throughout the department. And for everyone in the agency, written policies are the foundation of a common understanding of internal operations and standards.

The handbook was prepared both for use during the new employee orientation process and as an on-going reference for all SDE personnel. It will be updated as needed, either by e-mail notification or by distribution of replacement pages. Each employee is responsible for maintaining his or her handbook with current policies. In addition, an up-to-date copy of the handbook will be maintained by the Accounting and Human Resources Section and posted on the SDE's website in the "Employee Resources" section.

This handbook is a living document, which means that policies can be added, altered, or deleted as necessary. Any proposed change to the handbook must be sent in writing to the Organizational Improvement Council (OIC), which will direct the proposed change to the appropriate action team. Once the action team decides on the course of the proposed policy change, that proposed policy will go out to the agency for comment. Following the comment period, the action team will once again review the proposal and make a recommendation to the full OIC. If the OIC agrees, the policy will go to Cabinet for approval or disapproval. If approved, the new or changed policy will be sent out to employees for insertion in their handbooks.

Taken together, the **SDE Employee Policies Handbook** and the **SDE Employee Procedures Manual** provide a wealth of information on policies and procedures for both new and continuing SDE employees. We encourage you to review these manuals as necessary, to familiarize yourself with the materials, and to make suggestions for future improvements.

Mission, Vision, Values And Goals

Mission Statement

Through leadership and collaboration, the State Department of Education supports and promotes a twenty-first century system of public education that delivers relevant life and academic skills to all Idaho children.

Vision Statement

Idaho schools will be places where every child is learning every day in a safe, disciplined, drug-free environment to become a good citizen and life-long learner. Every student will complete school with the character, skills and knowledge to become a responsible and productive citizen to build a stronger America.

Values

We are a professional team guided by the principles of public service, accountability, efficiency, and leadership to schools, districts, and the public. Above all, the State Department of Education shares a commitment to creating a safe, achievement-focused educational environment that allows every child to learn every day and to leave school as a life-long learner and good citizen.

Goals

To increase student access to a rich curriculum in all six essential content areas - language arts, math, science, humanities, social studies and health/wellness.

To increase the overall level of student achievement and rate of individual student academic growth.

To increase the number of students within special populations who attain identified academic and personal/social goals.

To increase the capacity of all Idaho K-12 public schools and districts to meet the state accreditation requirements.

To increase the number of young adults who continue on with post-secondary education and/or training within five years of high school completion.

To increase graduation rates and reduce drop out rates.

To increase the technical capability, social readiness and global perspective of high school graduates.

To increase the quality and accuracy of student assessment data.

To increase the level of healthy lifestyle choices and behaviors among the K-12 student population.

Definitions

Appointment: The act of employing personnel.

At-will: Appointed by and serves at the pleasure of the State Superintendent. An at-will employee may quit or be terminated without cause or notice, without the employee or employer incurring any liability.

Cabinet: Composed of Chief Deputy Superintendent, Deputy Superintendent, Bureau Chiefs and the Public Information Officer.

Classification or Classification Schedule: A group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the classification.

Compensation Schedule: The table that sets forth pay grade, point range (defined by duties, responsibility, etc.), and annual and hourly minimum and maximum pay range for the various job classifications. The professional staff compensation schedule is created by SDE. The support staff schedule is created by the DHR and adopted by the SDE.

Covered Employee (Fair Labor Standards Act): Defined by FLSA based on job duties and requirements. Generally speaking, non-traveling support staff. Compensatory time off earned at the rate of one and one-half hours for each overtime hour worked.

Demotion: Moving an employee to a position that receives less pay based on the compensation schedule.

Department: Idaho's State Department of Education (SDE).

DHR: The Idaho Division of Human Resources.

Earned Administrative leave: Hours that exceed forty (40) hours in one (1) work week only because of a combination of hours actually worked and vacation, holiday, compensatory or other type of leave.

Executive Staff: Any employee appointed to a position equivalent to a Bureau Chief or above.

Exempt Employee: An employee in an executive, professional or administrative position, or in any other position that is exempt from coverage under the Fair Labor Standards Act, and therefore is not entitled to accumulate or be compensated for overtime at the rate of 1 and ½ time the employee's normal rate.

Hours Worked: Those hours actually spent in the performance of the employee's job on any day including holidays, and shall not include vacation, sick leave or other approved leave of absence.

MDA: Medical doctor appointment.

Merit Increase: An increase in an employee's compensation based on job performance.

Non-covered Employee (Fair Labor Standards Act): Defined by FLSA based on job duties and requirements. Generally speaking, professional staff who travel as part of their job duties. Compensatory time off earned at the rate of one hour for each overtime hour worked.

Overtime: Time actually worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, commencing at Sunday, 12:01 a.m. and ending Saturday at midnight.

Part Time Employee: Any permanent employee whose usually scheduled work is less than 40 hours in a period of 168 consecutive hours commencing at Sunday, 12:01 a.m. and ending Saturday at midnight.

Pay Grade: The numerical or alphabetical designation that identifies the range of pay within a group of positions sufficiently similar.

Personal Professional Development: Professional development that is not a requirement of an employee's position, but that would be a benefit to the knowledge base of the employee.

Professional Staff: Specialists, coordinators and program managers, is based on factors such as education, responsibility, and performance. Idaho Code §67-5302(27).

Promotion: Moving an employee to a position that receives greater compensation based on the compensation schedule.

Reclassification: A change in the job classification of a position to accurately reflect the duties and responsibilities involved in performing the job.

SDE: The State Department of Education.

Support Staff: Administrative assistants, office specialists, and technicians.

Temporary Employee: A position that is not permanent in nature and in which employment will not exceed 1,385 hours during any 12-month period.

1. General Aspects of Employment

1.1 Appointments

Appointments are made by the State Superintendent of Public Instruction and are at will.

The SDE recognizes the right to be free from discrimination in employment on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

1.2 At-Will Status

SDE employees are appointed by and serve at the pleasure of the State Superintendent of Public Instruction (Idaho Code §67-5303(c)). This means that all SDE employees are “at-will”, and therefore either the State Superintendent or the employee may terminate the employment relationship without cause or notice, without incurring any liability.

1.3 Conflict of Interest

No SDE employee may use his/her position to obtain a financial benefit for him/herself or any first degree or second degree member of the employee’s family. Idaho Code §§ 18-1351, 18-1359 and 59-701 et seq. Relationships in the first degree include parents and children. Second degree relationships include grandparents, grandchildren, brothers and sisters. Because these relationships are defined by blood or marriage, they include such relatives of the employee’s spouse.

No SDE employee shall supervise, or otherwise be in the chain of command of, anyone related by blood or marriage within the first or second degree who is working for the department in any capacity. This prohibition includes making any decision or recommendation that results in providing employment or contract work to first and second degree family members, when such employment or contract work is to be paid out of SDE funds.

1.4 New Employee Orientation

All newly-hired employees will be taken through an orientation during their first day at the agency to include, at a minimum, payroll/personnel, policies/procedures, technology resources and facilities.

1.5 Working Hours

Normal office hours are from 8 a.m. to 5 p.m. Monday through Friday.

When, in the judgment of the State Superintendent, job services would be impaired if the SDE offices were not open, certain employees may be required to work other than the normal hours listed above.

Any time spent during work hours for volunteer agencies or organizations must be considered in relation to the needs and interests of the SDE and must be approved by the direct supervisor.

1.5.1 Lunch and Relief Periods

A one-hour period for lunch and relief periods not to exceed 15 minutes in the morning and 15 minutes in the afternoon are available for all SDE personnel. Meals will be consumed so that they do not detract from job performance or public image. Lunch/break rooms are available throughout the SDE. Time for break periods is not cumulative, e.g., if you skip the morning break, the afternoon break is still limited to 15 minutes. No employee is allowed to skip break periods to shorten the workday.

1.5.2 Smoking Policy

The SDE is a smoke-free work environment. In accordance with Idaho Code §39-5503, smoking is prohibited in all offices, reception areas, employee lounges, meeting rooms, corridors, rest rooms and elevators. "Smoke breaks" are governed by Section 1.5.1 of this manual, which limits breaks to one morning break and one afternoon break of 15 minutes each.

1.5.3 Flexible Work Schedules

Flexible work schedules of hours other than 8:00 a.m. to 5:00 p.m. are subject to approval by the immediate supervisor who will coordinate schedules to provide adequate staffing of the SDE between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. This agency does not offer a work week schedule of four 10-hour days.

Employees who wish to exercise during the day may elect to work a flexible schedule on days they plan to exercise and take advantage of a one and one-half hour time block during the noon hour.

1.5.4 Hardship Work Schedules

If normal business hours interfere with childcare or elder care arrangements, with car pooling schedules, or with some other type of extraordinary circumstance, an employee may be authorized to come earlier or stay later, depending on the circumstances. Those arrangements must be approved by the employee's supervisor and the appropriate bureau chief.

1.6 Responsibilities

1.6.1 Personal Contact

Employees of the SDE are constantly in contact with the public. It is essential that they be courteous and endeavor to give the best possible service to the public.

1.6.2 Conduct and Appearance

All employees of the SDE are expected to maintain standards of conduct and appearance suited to their positions.

Employees of the SDE are to dress in appropriate business office attire each workday unless activities indicate otherwise. It is intended that a professional yet comfortable working environment be the practice for all employees.

The following list is intended to set general expectations for suitable casual business wear within which to make judgments about items that are not specifically addressed.

Slacks: Slacks should be clean and pressed. Inappropriate items include denim jeans, sweatpants, jogging suits, shorts of all kinds (e.g., short shorts, Bermuda shorts, walking shorts), bib overalls, and leggings, such as spandex or other form fitting pants.

Shirts: Casual shirts, Polo shirts, golf shirts, sweaters and turtlenecks are suitable. Inappropriate items include tank tops, sweatshirts, shirts with any large lettering, halter-tops, tops with bare shoulders (spaghetti strap, tube), see-through blouses, midriff/belly shirts, and t-shirts unless worn under another blouse, shirt, jacket, or jumper.

Dresses and Skirts: Casual dresses and skirts at or below the knee are suitable. Mini-skirts and spaghetti-strap dresses should not be worn to the office.

Footwear: Loafers, dress boots, flats, dress sandals, open-toed shoes, clogs, and leather deck shoes are suitable. Athletic shoes, sneakers, flip-flops, casual sandals, combat boots, and slippers are not acceptable. Footwear must be worn at all times.

Jewelry: Jewelry should be conservative with no visible body piercing other than pierced ears.

With the prior approval of one's bureau chief, jeans and athletic shoes are acceptable if job responsibilities warrant, such as clean-up days or special days approved or directed by administrators. If an item of clothing is deemed to be inappropriate for the office by a supervisor, an employee may be temporarily released to change clothes. The release may be with or without pay, at the discretion of the employee's supervisor.

1.6.3 Legal Issues

All matters that might have legal significance or ramifications to the SDE must be brought to the attention of the deputy attorney general assigned to the SDE. These might include such matters as copyrights, contracts, legal positions of the SDE under State Board of Education rules, and interpretations of the Idaho Code, as well as the receipt by an employee in his or her official capacity of a court or administrative subpoena. The deputy attorney general will assist employees with legal issues pertaining to the functions of the SDE.

1.6.4 Gifts to SDE Employees

SDE employees who have discretionary responsibilities regarding contracts, purchases, payments, claims or other pecuniary transactions may not solicit, accept, or agree to accept any pecuniary benefits from any person or firm known to be interested in such transactions (Idaho Code §18-1356). This section shall not apply to trivial benefits (not to exceed a value of \$50) incidental to personal, professional, or business contracts and involving no substantial risk of undermining official impartiality.

1.6.5 Stipends and Other Fees for Services

(Approved March 6, 2006.)

If an employee of the State Department of Education seeks or is asked to perform services for an entity other than the SDE during the employee's normal work hours, then the employee has the responsibility to obtain approval from his or her supervisor. If the service is one for which the employee will be compensated by the other entity, then the employee must take vacation time if he or she wants to keep the compensation. Alternatively, the employee need not take vacation time, but must turn the compensation over to the SDE.

1.6.6 Confidentiality

(Approved May 1, 2006.)

Due to the high level of confidential teacher and student information that is stored both electronically and physically at the State Department of Education, it is the responsibility and obligation of all SDE employees to respect and maintain the confidentiality of data at all times, both at work and off duty.

1.7 Promotion and Reclassification of Personnel

It is the policy of the SDE to make promotions internally when appropriate.

When an employee is promoted or reclassified, his or her salary will be adjusted in accordance with either of the following provisions. However, the State Superintendent reserves the right on a case-by-case basis to approve a greater increase than described below.

1.7.1 Promotion

When an employee is promoted to a class in a higher pay grade, the employee will be paid at a rate that provides at least a five percent increase.

1.7.2 Reclassification

When a position is reclassified to a class in a higher pay grade, the employee will be paid at a salary in the higher grade that provides a salary increase of not less than five percent.

1.8 Staff Position Review Summary Request

Before an employee undertakes to rewrite his or her Position Review Summary for a possible position upgrade, the employee's supervisor must take the request for position upgrade to the appropriate bureau chief. The bureau chief will in turn take the request to the Cabinet. Only if approved by the Cabinet will the employee and his/her supervisor begin work on the Position Review Summary revision. On completion of the revision, the employee will give the Position Review Summary to the Accounting/Human Resource section for review. Once reviewed by Human Resources, it will be passed on to the Organizational Improvement Council for review and comments before going back to Cabinet and then to the Chief Deputy Superintendent for approval.

1.9 Performance Evaluation

1.9.1 General Requirements

Employees will be evaluated annually or more frequently if deemed appropriate based on the current performance plan, using employee performance appraisal software. The appraisal process provides for a joint review by the immediate supervisors and employee of the employee's performance of major work responsibilities during the rating period, for evaluation of performance compared to the expected results, and for establishing new objectives as necessary for the next rating period. Performance ratings are used in connection with granting promotions, involuntary demotions or separations, and merit increases, including special salary increments if involving performance. The evaluation by the immediate supervisor will be discussed with the

employee and the employee will be given the opportunity to make written comments about the evaluation. The employee's signature on the performance appraisal indicates that the appraisal has been discussed with the employee, but does not mean that the employee agrees with it. If the employee refuses to sign the appraisal, the supervisor should so note, and indicate the reasons the employee gave for refusing to sign the appraisal.

1.9.2 Establishing Objectives

As part of the appraisal process, the supervisor and employee will develop the objectives for the next review period.

Each objective should be described in enough detail to be clear to both the employee and the supervisor. The objectives for the review period should also contain a measurement of objective achievement and a timeframe. Both the employee and the supervisor should have a mutual understanding of the levels of performance-expected results. After the major work responsibilities have been developed and agreed upon, both the employee and the supervisor will sign the form to indicate agreement. One copy is given to the employee, one to the supervisor, and one is placed in the employee's personnel file. Changes in the employee's work responsibilities during the rating period should be added to the form.

1.9.3 Overall Rating

The overall rating on the Performance Review should reflect the overall performance of the employee during the entire rating period. The overall rating should be consistent with and representative of the combined evaluation of the specific work areas. This overall rating will be used as a basis for recommending merit increases as well as for consideration in the event of a reduction in force.

If the employee's overall performance does not achieve performance standards in some or all-key job areas, the rating should be discussed with the employee and a written understanding reached as to the improvement required. If the employee achieves performance standards in key job areas, then overall performance will be rated satisfactory.

1.10 Resignation, Reduction in Force, Termination, and Demotion

1.10.1 Resignation

An employee who is resigning should give at least 14 calendar day's written notice to the State Superintendent with copies to the immediate supervisor, appropriate bureau chief, and Human Resources, giving the employment termination date.

1.10.2 Reduction in Force

Subject to a 30-day (calendar days) notice, any employee of the SDE may be laid off by the State Superintendent in the event of a condition of financial exigency.

1.10.3 Involuntary Termination

Employees serve at the pleasure of the State Superintendent of Public Instruction (Idaho Code §67-5303(c)).

1.10.4 Return of Property Form

A Return of Property form, available from Accounting/Human Resources, must be completed and returned to that section prior to the last day of employment. In addition, a final inventory must be taken on the last day of employment, to be signed by both the departing employee and the appropriate supervisor. This inventory form is to be turned in to Accounting/Human Resources.

1.10.5 Demotions

An employee's salary may be reduced in the manner prescribed for the following situations:

Voluntary Demotion: When an employee elects to take a voluntary demotion, the salary will be reduced to the lower pay rate. Exceptions may be approved by the Cabinet.

Reclassification Downward: When a position is reclassified from a class in one pay grade to a class in a lower pay grade, the salary will be protected up to the maximum of the lower pay.

1.11 Intradepartmental Transfer

Intradepartmental transfer will have no adverse effect on salary.

1.12 Exit Interviews

Prior to leaving employment with the State Department of Education, an employee will have an exit interview initiated by the employee's bureau chief, deputy superintendent, or the chief deputy superintendent prior to the employee's final working day. This policy does not apply to employees who are terminated.

Documentation of the exit interview will be placed in the employee's personnel file.

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2. SALARY AND BENEFITS

2.1 Salary

Entrance Salary: First time appointees generally will be hired at the starting rate assigned to their position classification.

The compensation schedule for SDE professional staff is adopted by the State Superintendent of Public Instruction and is based on education, skills, experience, responsibility, and performance. To the extent possible, the salary for an SDE employee will be at the level of pay within the compensation schedule for the job. However, some jobs may require special skills, and any employee appointed to such a job may be compensated at a level deemed appropriate by the State Superintendent of Public Instruction.

Compensation for SDE support staff is based upon the compensation for comparable positions in the compensation schedule developed by the Idaho Division of Human Resources.

It is the intent of the SDE that advancement on either compensation schedule will be based solely on merit.

2.2 Temporary and Part-Time Employees

“Temporary appointment” means appointment to a position that is not permanent in nature and in which employment will not exceed 1,385 hours during any 12-month period. No person holding a temporary appointment may work in excess of 1,385 hours during a 12-month period of time for any one department (Idaho Code §67-5302(30)).

Before a temporary employee is hired, consultation with the Human Resources Section of the SDE must occur. Human Resources will determine compensation based on the functions, responsibilities and qualifications required by the temporary position, as well as the compensation for similar positions in the SDE.

Temporary employees...shall not be entitled to sick leave accruals...vacation leave...nor holiday pay...unless contributions are being made to the public employees retirement system...Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership...(Idaho Code §59-1603(1)).

See Section 2.6 of this manual for criteria for retirement system eligibility.

“Part-time employee” means any employee whose usually scheduled work is less than 40 hours in a period of 168 consecutive hours (Idaho Code §67-5302(19)) and is in a permanent (FTE) position.

2.3 Payday

Employees of the SDE are paid bi-weekly.

2.4 Payroll Deductions

Deductions are made for federal and state income taxes, retirement, and social security in accordance with state and federal law. In addition, other deductions may be made at the request of the employee. A full list of eligible vendors is available through Human Resources.

2.5 Payroll Benefits

The state of Idaho provides the following employee benefits:

Disability Insurance: The state pays the premium for its employees for disability insurance coverage (Employee Benefits Handbook).

Employee Assistance: The state pays for a service for employees and their family members that gives easy, free, confidential access to professional counselors trained to help with a variety of personal or family problems. The goal of the Employee Assistance Program is to provide help for any problem that might affect an employee's life at work or at home.

Health Insurance: The state pays the employer's share of the premium for its employees "who are working 20 hours or more per week and whose term of employment is expected to exceed five months in any consecutive 12 month period."

Life Insurance: The state pays the premium for its employees if "the state of Idaho has the reasonable expectation that such employment will exceed five months in any 12 month period and 20 hours per week during the five month period." (Employee Benefits Handbook)

Retirement: The state pays the employer's share of contributions to the Public Employees' Retirement System for employees who are members. (See Section 2.6 of this manual for criteria for retirement system eligibility.)

Retirement Sick Leave: The state contributes to a sick leave account maintained by the Public Employees Retirement System for the purpose outlined in Section 3.8.5 of this manual.

Social Security (FICA): The state pays the employer's share.

Unemployment Insurance: The state pays the premium.

Workers' Compensation: The state pays a premium to the State Insurance Fund to cover each employee against work-related injury or occupational disease.

2.5.1 College Course Tuition Fee Waivers

SDE employees in permanent positions who work at least half-time (including those on official leave) and their spouses may register for a reduced fee for instructional courses during any academic period. This benefit is limited to course work at Boise State University, University of Idaho, Idaho State University, Lewis-Clark State College and Eastern Idaho Technical College. Each institution has a policy governing the limitations of this benefit. (See Section 3.18 of this manual for additional information.)

This may be a taxable fringe benefit, depending upon current legislation.

2.6 Retirement System

Permanent employees are automatically members of the Public Employees Retirement System if they normally work 20 hours or more per week (Idaho Code §59-1302(14)). Employee contributions are deducted bi-weekly from each employee's salary. Employer contributions are also charged bi-weekly. For a detailed explanation of the retirement program, see the Member Handbook published by the Public Employees Retirement System.

Temporary employees who are expected to work at least five months are required to contribute to the retirement system if they normally work 20 hours or more per week. Membership in the retirement system entitles temporary employees to receive sick leave, vacation leave, and holiday pay.

Temporary employees who are expected to work less than five months usually do not contribute to the retirement system. However, if a temporary employee is not expected to work five months but does, the agency and the employee must pay back the contributions to the Public Employees Retirement System. The employee is then entitled to vacation and sick leave (but not holiday pay) awarded retroactively to the starting date of employment.

2.7 Merit Salary Policy

The overall system of salary administration for the SDE includes position classification and compensation schedules, departmental policies and procedures, and applicable Idaho statutes. As prescribed by law, no dedicated funds are used other than for their legal functions in satisfying the intent of this policy.

Each year the Cabinet will determine the dollars available for salary increases and will set criteria for merit increases or bonuses.

2.7.1 Merit Increases

SDE employees are eligible for merit increases based on performance factors such as increased productivity, reliability, effectiveness, and the ability to achieve the goals and objectives of a particular position or work plan. Examples of exemplary service may include outstanding contribution within the SDE, to interagency efforts or directly to school districts, to professional leadership, or to innovative program development.

Merit increases may be permanent or a one-time bonus. Permanent increases recognize past exemplary performance and anticipate a continued high level of performance. Bonuses are short-term, lump-sum increases designed to reward specific past performance and not to pay for performance expected in the future.

2.8 Overtime and Compensatory Time

2.8.1 Definition of Overtime

Overtime is pre-approved, assigned time actually worked on holidays and time worked in excess of 40 hours in a period of 168 consecutive hours. Idaho Code, §67-5302. This corresponds to a seven day workweek beginning Sunday at 12:01 a.m. and

ending the following Saturday at midnight. Overtime is earned by the week, not by the day.

An employee's work schedule, within a workweek, may be altered to take an equal amount of time off within the same workweek to avoid accruing overtime. For example, an employee may be permitted to take two hours off Wednesday, because he/she had to work two extra hours on a project on Tuesday of the same workweek.

All overtime, regardless of how it is to be compensated, must be pre-approved by an immediate supervisor and/or appropriate bureau chief. Such pre-approval must be in writing except in unforeseen and/or unusual circumstances.

Overtime will be held to a minimum consistent with need. Employees are to record actual hours worked on time sheets. The automated payroll system will compute overtime hours worked at straight time or time and a half.

2.8.2 Qualifications to Receive Compensatory Time

Both the Fair Labor Standards Act ("FLSA") and the Idaho wage and hour statutes require that employers pay overtime compensation to employees who work more than forty hours in a work week. 29 U.S.C. § 207(a)(1); Idaho Code §67-5301 et seq. Both FLSA and Idaho law exempt certain types of employees, such as executive, administrative, or professional employees, from the requirement to pay overtime. 29 U.S.C. § 213(a)(1); Idaho Code §67-5329.

Employees covered by FLSA receive compensatory time off at the rate of one and one-half hours for each overtime hour worked and for each hour worked on a holiday or the official day observed in lieu of the holiday. Overtime will not be paid in cash except as otherwise provided in this policy. It is the responsibility of supervisors to consult with and communicate this policy to covered employees as a part of each employee's job offer. All employees covered by FLSA should have a written acknowledgment of this policy on file.

Employees not covered by FLSA receive one hour of compensatory time for each hour of overtime worked.

The requirement to compensate for overtime worked may not be waived by an agreement between the employee and the supervisor. Although it is SDE policy that advance written approval must be given before an employee may work overtime, any overtime that is worked by a covered employee must be compensated.

The State Department of Education follows the FLSA and all applicable federal and state laws and rules regarding employee compensation. Any employee who believes that a problem exists in regard to hours of work, whether a position is covered or exempt, or who has any issue related to hours of work and overtime compensation is encouraged to report the issue to his/her supervisor or bureau chief as soon as possible. The SDE will take prompt action to correct problems identified and communicate the action to the employee. No employee will be subject to retaliation for reporting a wage and hour concern.

2.8.3 Overtime Calculated

When calculating overtime, actual time worked (ACT) is used. Travel time between home and a workstation is a normal occurrence of employment and is not considered hours performing one's principal work activity. For scheduled out of town travel, travel

between an employee's home and an airport is considered home-to-work and work-to-home travel, and is not credited as work time, unless the travel to and from the airport is on a non-work day.

For employees required to work away from their assigned reporting location, such travel time is considered as hours worked. If an employee is directed as part of his/her job to travel during non-working hours, such travel time shall be considered hours worked. Employees covered by FLSA who travel as part of their job, to include travel to approved training or conferences, must receive time and a half for overtime incurred due to such travel. Time spent traveling by mode of transportation other than commercial airline shall earn overtime in an amount equivalent to the time that it would have taken to travel via commercial airline if the travel time is outside normal duty hours. Exceptions to this policy can be made if the employee's immediate supervisor and/or appropriate bureau chief determine that a mode of travel other than commercial airlines is more practical.

For employees not covered by FLSA, travel time outside of the employee's normal work schedule to attend conferences, seminars, association meetings, etc., is credited as work time if required by law or approved by the SDE. Travel time outside of the employee's normal working schedule, not assigned by a supervisor, at the desire of the individual employee, to attend classes, seminars, conferences, and meetings, is not credited for compensation as work time. Work assignments that require an employee to stay out over a weekend or overnight(s) will qualify for expenses but no time will be compensated beyond travel and actual hours worked.

Mealtime (breakfast, lunch and dinner), including banquets, is not considered working time whether in or out of town except when the employee is helping to set up or supervise such meals or banquets.

State travel policies are governed by the State Board of Examiners; see its policy #442-50 for more information (www.sco.state.id.us).

Supervisors must ensure that employees covered by FLSA do not eat lunch at their desks and continue to work or be interrupted by work requests, phone calls, or other work-related activities. If such work is expected or permitted by the supervisor, the entire lunch break must be considered work time.

For employees not covered by FLSA, more flexibility in scheduling exists, but all time worked must still be reported. For example, if lunch breaks are interrupted, only actual time worked is reported.

For all employees, working "off the clock" is prohibited. Employees and their supervisors who permit or engage in working without reporting such time may be subject to discipline, up to and including dismissal.

2.8.4 Limitation on the Accrual of Overtime and Compensatory Time

When an employee accrues forty (40) hours of compensatory time, written notification from the employee to the supervisor is required to ensure that the supervisor knows that the employee has accumulated 40 hours of overtime. Supervisors will be held accountable for managing these accruals.

All overtime worked will be documented on the employee's time sheet and approved by the supervisor before being compensated by compensatory time off.

Refer to Section 3.6 for information regarding using compensatory time.

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3. LEAVE

3.1 Eligibility

Employees contributing to the Public Employees Retirement System, regardless of status or whether full-time or part-time, earn vacation leave and are eligible to take and be paid for unused vacation leave in accordance with Idaho Code §§59-1603(1), 67-5334, 67-5335, and 67-5337.

3.2 Records

Accounting/Human Resources will maintain accurate records showing each employee's accrued vacation and sick leave current at the end of each pay period, including any unused leave transferred by the employee from another state agency.

3.3 Credited State Service

For the purposes of payroll information, vacation or annual leave, sick leave, and credited state service for an employee are earned when the employee is on approved leave with pay, on approved vacation leave, on approved military leave, on approved sick leave, and on holidays.

3.4 Holidays

3.4.1 Holiday Leave

The following are legal holidays recognized by the state of Idaho:

- January 1 - New Year's Day
- January - Third Monday - Martin Luther King/Human Rights Day
- February - Third Monday - President's Day
- May - Last Monday - Memorial Day
- July 4 - Independence Day
- September - First Monday - Labor Day
- October - Second Monday - Columbus Day
- November 11 - Veterans Day
- November - Fourth Thursday - Thanksgiving
- December 25 - Christmas

The above ten days are the minimum number of holidays recognized by the SDE. However, any day designated by the President of the United States or the Governor of Idaho for a public fast, thanksgiving, or holiday will also be observed.

When a holiday occurs on a Saturday, the preceding Friday is granted; when it falls on a Sunday, the following Monday is granted.

All employees, no matter what their workweek, are entitled to ten paid holidays. An employee working a flexible schedule whose regularly scheduled day off falls on a holiday will receive the regularly scheduled workday closest to the holiday as the holiday.

Employees will receive holiday pay for the number of hours they normally work.

3.4.2 Holidays Not Counted

Officially designated holidays falling within a period of vacation leave are not counted against vacation or sick leave.

3.5 Earned Administrative Leave

Earned administrative leave (EAL) will be granted by the SDE when an employee works fewer than 40 hours during a work week, but the combination of actual hours worked, sick and/or MDA leave taken is more than 40 hours. The employee will accumulate earned administrative leave to the extent necessary to reduce the cash compensation to 40 hours.

Vacation time, compensatory time and/or administrative leave time will not be used to generate EAL.

As with overtime, EAL must be authorized in advance by the appropriate bureau chief or designee. EAL is earned on an hour for hour basis. EAL balances will be paid upon transfer to another division or state department or upon separation from state service.

At SDE, EAL accrual is limited to forty (40) hours. Immediate supervisors must obtain the approval of the appropriate bureau chief prior to allowing work that results in more than a 40 hour EAL balance.

(Approved May 1, 2006.)

3.6 Using Compensatory Time and Earned Administrative Leave

A log of compensatory time and EAL balances will be kept on the state payroll accounting system, to the nearest tenth of an hour, for all employees.

A request to take EAL or compensatory time off must be submitted in advance to the employee's supervisor for approval. When taking leave, an employee will first use any earned administrative leave, followed by compensatory leave, and then vacation leave, provided this sequence does not cause the employee to lose vacation leave due to maximum accrual limits established in Idaho Code §67-5335. Supervisors and employees should work cooperatively to select dates to discharge accrued compensatory time or earned administrative leave, which will least interfere with normal Department services. Employee preference should be supported if possible.

Employees not covered by FLSA: Accumulated compensatory time cannot be transferred from the SDE to another department within the state. If comp time is not used before transfer or separation from state employment, it is forfeited. Compensatory time lost at the time of transfer or separation cannot be reinstated at a later date.

Employees covered by FLSA: Compensatory time that has been earned during any one-half fiscal year but not taken by the end of the succeeding one-half fiscal year will be paid in cash on the first payroll following the close of such fiscal year. Accrued compensatory time must be paid in cash at one and one-half times the employee's final regular hourly rate or the average regular hourly rate received during the last three years of employment, whichever is greater, at the time of the transfer to another agency or upon separation from state service.

3.7 Vacation Leave

3.7.1 Accrual

Vacation leave is important for the physical and mental well being of employees. Vacations provide relief from the pressures and tensions of everyday work. Accordingly, vacations are encouraged in sufficient duration to accomplish this end. Vacation leave accrues at the following rates:

During the first five years of continuous employment, leave accumulates at a rate of .0462 multiplied by the hours worked. An employee may accrue up to, but not more than, 192 hours.

Example: A bi-weekly pay period: 8 hours multiplied by 10 days = 80 hours. 80 hours multiplied by .0462 = 3.7 hours of annual leave.

During the second five years of continuous employment, leave accumulates at a rate of .0577 multiplied by the hours worked. An employee may accrue up to, but not more than, 240 hours.

During the third five years of continuous employment, leave accumulates at a rate of .0692 multiplied by the hours worked. An employee may accrue up to, but not more than, 288 hours.

During the fourth five years, and thereafter, of continuous employment, leave accumulates at a rate of .0808 multiplied by the hours worked. An employee may accrue up to, but not more than, 336 hours.

Vacation leave does not accrue during leave of absence without pay, suspension, or layoff.

3.7.2 Request for Leave

Vacation leave must be applied for in advance by the employee and may be used only when properly approved by the employee's immediate supervisor. Vacation leave may be used as FMLA leave, when approved by the employee's immediate supervisor (see Section 3.10 of this manual).

3.7.3 Temporary and/or Part-Time Employees

Employees who work on a part-time or irregular basis accrue annual leave if they work 20 hours or more a week and are expected to work at least five consecutive months during the calendar year. These employees accrue time according to Section 3.8.6 of this manual.

3.8 Sick Leave

3.8.1 Accrual

Sick leave accrues at the rate of .04662 multiplied by the number of hours worked. Example: A bi-weekly pay period; 8 hours multiplied by 10 days = 80 hours; 80 hours multiplied by .0462 = 3.7 hours of sick leave.

Sick leave accrues without limit.

Sick leave does not accrue during leave of absence without pay, suspension, or layoff.

3.8.2 Eligibility for Sick Leave

Sick leave may only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. Sick leave may be used as FMLA leave (see Section 3.10).

The employee's physician is considered the sole authority in determining the recovery period insofar as compensable sick leave is concerned.

Leave taken immediately preceding or following a disability may be charged to the employee's accrued vacation leave or to leave without pay.

Sick leave may not be taken in advance of being earned by the employee.

At the employee's option, vacation leave may be used in lieu of sick leave.

Absences for occasional appointments that do not exceed two hours, such as medical, dental, and optical examinations, will be reported as MDA on the employee's time sheet. MDA does not reduce the sick leave balance; however, the employee must also have actual hours worked (ACT) on the same day. Ongoing treatment for physical or mental illness is not covered by MDA. If more than two (2) hours are needed for appointments additional time may be charged to sick leave. A limit on the utilization of this rule may be exercised by the SDE.

3.8.3 Notification of Sick Leave

It is the responsibility of the employee to notify his or her supervisor for each day of sickness or injury that prevents reporting for duty.

3.8.4 Absence Beyond Accrual

If an absence for illness or injury extends beyond the sick leave accrued to the credit of the employee, such additional time may be charged to vacation leave or leave without pay. All requests for leave without pay (see Section 3.19) must be submitted to the immediate supervisor for approval or disapproval.

3.8.5 Sick Leave Balance Upon Retirement

When an employee is separated from state employment by retirement, his or her unused sick leave will be determined based on accumulated sick leave earned subsequent to July 1, 1976, and will be reported to the public employee retirement system. A sum equal to one-half or the maximum amount allowed by Idaho Code §67-5339 (2), whichever is the lesser, of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, will be transferred from the sick leave account provided by Subsection 3 of Idaho Code §67-5339 and will be credited to such employee's retirement account. Such sums will be used by the Idaho Public Employees Retirement Board to pay premiums for such group health, accident, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account. Upon an employee's death, any unexpended sums remaining in the account will revert to the sick leave account.

3.8.6 Temporary and/or Part-Time Employees

Employees who work on a part-time or irregular basis will accrue sick leave if they work 20 hours or more a week and are expected to work at least five months during a calendar year. These employees accrue time at the decimal equivalent for $96/2080 = .0462$.

3.9 Transfer of Leave

3.9.1 Sick Leave

An employee who is transferred from one state department to another is credited by the receiving department with the amount of sick leave accrued at the time of transfer (IPC Rule 240.02).

All accrued sick leave is forfeited at the time of separation from state service and no employee will be reimbursed for accrued sick leave at the time of separation, except as provided in Idaho Code §67-5339 (the retirement provision outlined in Section 3.8.5 of this manual). If such employee returns to credited state service within three years of such separation, all sick leave credits accrued at the time of separation will be reinstated, except to the extent that unused sick leave was utilized for the purposes specified in Idaho Code §67-5339 (See Idaho Code §67-5333).

If an employee is transferred from a school district to a state educational agency, "the accumulated (sick) leave up to a maximum of 90 days shall be secured for, and credited to, the employee..." (Idaho Code §33-1217). The 90-day limit also applies if an employee is transferred from a state educational agency to a school district.

3.9.2 Vacation Leave

An employee who transfers from one state department to another state department may be credited with accrued vacation leave by the receiving department at the time of transfer (IPC Rule 230.04).

Upon separation from state employment and to the limits allowed by Idaho Code §67-5335 all employees receive a lump sum payment for accrued but unused vacation leave at the hourly rate of pay of that employee (Idaho Code §67-5337).

With the approval of the appointing authority for both the transferring and receiving employee, an employee may transfer accrued vacation leave, up to a maximum of 40 hours per fiscal year, to another employee for purposes of sick leave in the event the receiving employee or a family member suffers from a serious illness or injury. The amount transferred is converted to sick leave. An employee is not eligible to transfer vacation leave unless his or her balance exceeds eighty (80) hours, and in no event may an employee transfer an amount of accrued leave that would result in an accrued balance of less than 80 hours. (See Human Resources for more information.)

There is no provision for transferring vacation leave to or from a school district.

3.10 Family and Medical Leave Act (FMLA) of 1993

FMLA entitles eligible employees to take up to 480 hours of unpaid or paid job-protected leave during a 12-month period for specified family and medical reasons. To be eligible

for FMLA benefits, an employee must have worked for the state for at least 12 months and must have worked at least 1,250 hours over the previous 12 months.

Upon receiving an employee's request for FMLA leave, the SDE will determine whether or not the leave qualifies under FMLA, and will provide notice of its determination to the employee. This determination cannot be made after the leave period.

The SDE will grant an eligible employee up to a total of 480 hours of unpaid leave during any 12-month period for one or more of the following FMLA qualifying events:

- for the birth or placement of a child for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- to take medical leave when the employee is unable to work because of a serious health condition.

Employees may use sick leave (in the case of a serious illness) or vacation leave for all or part of the FMLA leave period. The SDE may require the employee to use accrued sick leave or vacation leave for all or part of the FMLA leave. The FMLA leave period will start when an employee begins taking paid or unpaid leave for a FMLA qualifying event. Thus, any paid leave the employee chooses to use will run concurrently with the FMLA leave period. Special limits exist for 1) birth or adoption; 2) spouses who are both employed by the state; 3) part-time employees; and 4) leave taken intermittently.

"Serious health conditions" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under supervision of) a health care provider; or
- continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

The SDE will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken. This coverage will be on the same terms as if the employee had continued to work. However, employees must continue to pay their share of health insurance premiums while on leave. The SDE may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

Upon return from FMLA leave, an employee will generally be restored his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. The SDE may refuse to reinstate certain highly paid "key" employees after using the FMLA leave. A "key" employee is an employee who is among the highest paid ten percent of the staff.

Employees seeking to use FMLA leave must provide (1) advance notice to their immediate supervisor when the need is foreseeable and (2) the medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. In certain cases, the SDE may require second or third

medical opinions, periodic re-certifications (at the SDE's expense), or periodic reports during FMLA leave regarding the employee's status and intent to return to work.

An employee must schedule planned treatment for the employee or for an immediate family member so that it will not unduly disrupt the employer's operation.

3.11 Funeral Leave

An absence that does not exceed two hours to attend funeral services of family members or friends will be reported as administrative leave. Requests for such funeral leave are to be submitted to the employee's supervisor. Absences exceeding two hours should be charged to vacation leave.

3.12 Bereavement Leave (Administrative Leave 3.17)

Employees are allowed a leave of absence with full pay not to exceed five days when such absence is due to the death of the individual's (or spouse's/domestic partner's) father, mother, child, brother, sister, grandchild, grandparent or foster parent, or the death of the employee's spouse/domestic partner. Request must be directed to the employee's supervisor. Such absences will be reported as administrative leave. Sick leave or vacation leave may be requested for absences that exceed the five-day maximum allowed for bereavement.

3.13 Military Leave

3.13.1 With Pay

Employees of the SDE who are members of the National Guard or who are reservists in the Armed Forces of the United States who are directed by proper authority to participate in ordered and authorized field training under the National Defense Act will receive military leave with pay for a maximum period of 15 working days annually. Such leave does not affect the earning of regular vacation or sick leave.

3.13.2 Without Pay

An employee serving in a full-time position who leaves the position either voluntarily or involuntarily to perform active military duty and who is relieved or discharged from such duty under conditions other than dishonorable will be, upon application, reemployed in the former position or a comparable position without the loss of seniority, status, or pay. The re-employment application must be made within 90 days after separation from military service or from hospitalization continuing after discharge for a period of not more than one year (Idaho Code §65-511).

3.14 Court and Jury Leave

When an employee is directed by proper authority to appear as a witness in any capacity in connection with an official state duty, the employee will not be considered absent from duty and will not require leave for this purpose. In this case, the employee is not entitled to receive compensation from the court. Necessary travel expense (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee in connection with this

duty will be reimbursed by the SDE in accordance with state travel regulations and procedures (IPC Rule 250.08a).

When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee is required to use accrued leave.

When an employee is summoned by proper judicial authority to serve on a jury, the employee will be granted a leave of absence with pay for the time required. In this case, the employee is entitled to keep fees and mileage reimbursement paid by the court in addition to regular salary. Travel expenses in connection with this duty will not be reimbursed by the SDE (IPC Rule 250.08c).

Any employee who has been requested to serve by a departmental problem-solving or due process procedure or to appear as a witness or representative during such a proceeding shall be granted administrative leave with pay, without charge to vacation leave or compensatory time off for overtime, to perform those duties. (IPC Rule 250.08 d).

3.15 Religious Leave

Requests for leave for religious observations may be approved by the SDE. Application for such leave must be submitted prior to the date of requested leave to the employee's immediate supervisor. Such leave will be charged to the employee's accrued vacation leave or compensatory time off for overtime (IPC Rule 250.10).

3.16 Election Leave

When requested by the employee, the SDE will grant an appropriate amount of time without charge against leave time for voting in primary, general, municipal, school, or special elections in those instances where the employee's assigned duties would interfere with being able to vote (IPC Rule 250.09).

3.17 Administrative Leave

At the discretion of the immediate supervisor and with notification to the appropriate bureau chief and chief deputy superintendent, an employee may be granted administrative leave with pay when such leave is in the best interest of the SDE (IPC Rule 250.06).

3.18 Educational Leave With Pay

With written approval of the supervisor and chief deputy superintendent, an employee may take one course per week during regular scheduled working hours or during the lunch hour. One half of the time missed must be made up on the day of the absence, unless the course is job-related.

3.19 Leave of Absence Without Pay

An employee may, at the discretion of his/her immediate supervisor, be granted leave without pay when such leave will not have an adverse effect upon the SDE.

3.20 Public School Volunteer Service Leave

The state superintendent allows each state employee, at a time convenient for the employee and his or her immediate supervisor, to spend one hour per week in a classroom or school in which children are attending. This leave with pay may be accumulated and used in larger blocks of time not to exceed four hours per month.

In particular, the SDE encourages parents to become involved in their children's learning experience by visiting classrooms, participating in field trips, and conferring regularly with school personnel. For that reason, leave to volunteer in a school is authorized in addition to any leave time granted to parents to attend parent-teacher conferences regularly scheduled at the end of a grading period.

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4. INTERNAL OPERATIONS

4.1 Parking

Parking for state employees is available in Capitol Mall parking lots and the Capitol Mall garage on a reserved and non-reserved basis. Parking permits are available to SDE employees online from Capitol Mall Parking.

4.2 Office Keys and Building Access

4.2.1 Office Keys

Office keys may be issued to permanent employees only; temporary employees will not be issued office keys or security codes for independent access to locked areas of the building. Requests for office keys must be submitted by an employee's bureau chief to the SDE's Human Resources section.

If an employee moves from one area of the building to another area, the employee's key must be turned into Human Resources and a key must be requested for the employee's new area.

If an employee resigns, his or her office key must be turned into Human Resources.

4.2.2 Identification Badges

Identification badges are issued to all employees (both permanent and temporary) through the agency's Human Resources section. Designation is made at that time to determine which type of ID badge will be issued.

- Temporary employees will be issued a picture ID only.
- Permanent employees will be issued an identification badge that will allow access into the building outside of office hours through Capitol Mall Security.
- Only designated employees will be issued an identification badge that will allow access to the building on a 24/7 basis, without contacting Capitol Mall Security.

4.3 Mail Service

Department policy is that all mailings be sent out in the most efficient and cost effective method possible. Contact the state postal services mail room for specifics when choosing the best method of mailing.

4.4 Telephone Service

Telephones are provided for official state business. Rules of common courtesy and telephone etiquette should be observed when answering incoming calls. A call accounting system registers all outgoing telephone calls. This record is used for billing of telephone charges.

Any requests for additions or changes to the telephone system should be submitted to the Bureau of Technology Services. Manuals are available for the telephone systems features through the Bureau of Technology Services.

SDE staff must not accept collect telephone calls.

Personal use of the telephone should be kept to a minimum. Long distance charges of a personal nature are to be for emergency situations only. The SDE must be reimbursed for all personal long distance charges made from the office; the reimbursement will be at the operator-assisted day rate, plus an administrative fee.

4.5 Cellular Phones

There are two circumstances in which an agency employee may be partially reimbursed for his or her personal cell phone plan to compensate the employee for business-related cell phone charges. Either circumstance requires approval of the employee's bureau chief. Those circumstances are:

1. A department employee who works approximately 25% of his or her time away from the office and who must remain in contact with the office on a daily basis. The employee must agree that his or her cell phone number can be published (on business cards, etc.).
2. A department employee who must be available as an SDE emergency contact when not at work.

The compensation is as follows:

- A qualifying employee must submit a blanket purchase order to Accounting yearly, signed by his or her supervisor and bureau chief. A copy of the front page of the employee's cell phone bill is to be submitted monthly for reimbursement.
- An SDE-established maximum flat fee will be reimbursed to each qualifying employee. If the employee's personal plan is less than the SDE-established maximum flat fee, then that lesser amount will be reimbursed to the qualifying employee.
- In addition, roaming fees will be reimbursed to the qualifying employee if highlighted and initialed as being business related.
- In addition, long distance charges (not extra airtime minutes) will be reimbursed to the qualifying employee if highlighted and initialed as being business related.

(Approved April 3, 2006.)

4.6 Machine Room Productions

The SDE Print Shop has printing and duplicating services. The SDE print shop should be used as the preferred method of printing materials. If work cannot be done in the SDE print shop, outside vendors may be used.

4.6.1 Available Equipment

Copiers are available for reproducing copies of work-related materials for SDE employees.

Press-quality printing equipment is available for producing large quantities of materials. The printing equipment is operated by a printing technician.

Several high-volume copiers are available for use in the print shop. A request can be left with the copy center technician or can be done immediately by the employee.

4.7 Purchasing Policies

Idaho Code §67-5716(14) excludes state elected officials from the purchasing requirements and procedures placed upon all other state agencies. The state superintendent may require formal competitive bidding or informal price quoting in purchasing when deemed to be in the best interest of the SDE.

Federal procurement laws in accordance with 7CFR 3016.36 will be followed when procuring goods and services with federal funds. Employees will document purchases.

4.7.1 Requisition of Supplies and Equipment

For expenditures under \$300, purchase orders must be signed by the originator's immediate supervisor or the next level of authority if the supervisor is not available. Expenditures of \$300 and above, but under \$15,000, must also have the approval signature of the appropriate bureau chief. Expenditures of \$15,000 and above also require the signature of the state superintendent, chief deputy superintendent, or deputy superintendent.

4.7.2 Contracted Services

An independent contractor may be hired for consulting or other professional services when that is the most cost-effective means of delivering or receiving a specific service. An independent contractor receives no direct employment benefits from the SDE and is not subject to tax withholdings by the SDE.

The SDE's "Memorandum of Agreement" form is usually adequate for employing independent contractors. There may be occasions when the contract for service is in some other format. In any case, the SDE's legal counsel must review every contract and verify that the SDE's obligation is consistent with state law. The proposed contract must be emailed as an attachment in draft form to legal counsel for review, editing and electronic approval. Review and approval by legal counsel must occur prior to anyone signing the contract on behalf of the SDE. The contract must then go through the normal signature process.

All agreements for contracted services must be in writing and must:

- b. Be initiated well in advance of when the service is to be performed,
- c. Include information that adequately describes what, when and where the contractor will perform,
- d. Indicate what report or product will be provided by the contractor and the deadline for such report, and
- e. List the monetary amount and the program to be charged.

4.8 Annual Inventory

At least yearly, a physical inventory will be taken of all equipment with a value of \$1,000, typically those items with state identification tags. Accounting/Human Resources will

generate current inventory listings and each employee will need to verify those items for which they are responsible.

4.9 Disposal and Sale of Surplus Property

The following means of disposal of surplus property are available to a state agency once disposal has been approved by the Board of Examiners:

- Sell or give the surplus property to another state agency or other governmental agency without public advertisement or receipt of competitive bid;
- Sell the surplus property at a regularly held public auction conducted by a licensed auctioneer;
- Sell the surplus property to the party offering the highest bid submitted in response to notice of public sale advertised in a newspaper of general circulation in the area of the sale; or
- Sell the property to the highest bidder at a state-conducted public auction that is to be advertised in a newspaper of general circulation in the area where the auction is to be held.
- Donate items of diminutive value to a charitable organization that qualifies under Section 501(c)(3), Internal Revenue Service. Diminutive value is defined as a value of zero, or less than what it would cost to transport the surplus items to the local auction or dump site.

Pursuant to Idaho Code §67-5726, all employees, spouses and dependents of a department are prohibited from acquiring surplus property from their own department. Employees may acquire surplus property from other departments only if the property is acquired through a competitive bid process.

4.10 Receipt and Deposit of Funds

The State Treasurer's Office requires that all monies received by the various units of the SDE must be receipted and deposited (daily if amount exceeds \$200) with Accounting/Human Resources. No state money is to be left in the desks, files, etc.

4.11 Moving Policy

The State Department of Education adheres to the State Moving Policy as approved by the State Board of Examiners. (See Appendix C)

4.12 Employment References and Letters of Recommendation

(Approved March 6, 2006.)

4.12.1 References

SDE employees are occasionally identified by current or former SDE employees as professional references on job applications. If contacted, the current SDE employee must refer the caller to the Department's Human Resource Section for response.

4.12.2 Letters of Recommendation

Letters of recommendation may be written by current SDE employees, but not on SDE letterhead.

4.13 Substitute Teacher Reimbursement

(Approved May 1, 2006.)

The SDE may reimburse school districts for substitute teacher costs when SDE activities require teacher participation. School districts must invoice the SDE in a timely manner for substitute costs. The SDE will reimburse the lesser of the invoiced amount or \$70 per day. This reimbursement rate will be reviewed yearly by Cabinet and adjustments made as necessary.

4.14 Fees Paid for Consulting Services

(Approved May 1, 2006.)

There is a set standard for all fees paid for consulting services (other than programming and software consulting). The current fee schedule is listed in Appendix E and is subject to change by Cabinet each state fiscal year.

4.15 Prohibition on Gift Giving

(Approved April 3, 2006.)

Regardless of funding source, purchasing items of appreciation from agency funds is prohibited. However, department employees may use agency funds to purchase plaques and/or certificates of appreciation.

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5. INFORMATION TECHNOLOGY (IT)

The SDE recognizes the potential for increasing agency productivity through the use of computers. The following policies apply to the acquisition and use of computers, software, and network connectivity. In addition to SDE policies, please see Appendix D for the most recent Executive Order establishing statewide policies on computer, the Internet and electronic mail usage by state employees.

5.1 Purpose of Policy

This policy establishes standards for the use and management of computers within the SDE. It is intended to:

- Establish procedures and accountability for the justification and acquisition of computers.
- Promote using Information Technology to support the goals and program objectives of the SDE.
- Ensure the integrity and security of data and information systems.

5.2 Management Responsibility

Management is responsible for ensuring that IT use is in compliance with applicable policies. Management is responsible for providing staff members the opportunity to learn the skills necessary for effective use of computer systems. Technology Services will assist in the identification of appropriate staff training.

5.3 BOTS Responsibilities

Technology Services section staff are responsible for:

- a. Assisting in the identification of opportunities for information technology to improve department productivity. To this end, they should be actively involved in developing, writing and supporting computer programs that enhance productivity.
- b. Maintaining an inventory of SDE software licenses.
- c. Planning and proposing the justification, specifications, and acquisition of IT equipment, and preparing the necessary documents related to those activities.
- d. Informing computer users of training available to them and planning and providing required training when appropriate.
- e. Coordinating repairs, maintenance, and replacement of IT equipment.
- f. Evaluating and assessing software systems to ensure that implemented and proposed computer applications are consistent with established SDE strategic plan.
- g. Maintaining, as appropriate, a liaison with other agencies to ensure congruity with statewide information management directions.
- h. Researching and developing standards for hardware and software for the SDE.
- i. Maintaining and updating the IT infrastructure.

- j. Monitoring and removal of any unauthorized software.

5.4 User Responsibility

Users of computers are responsible for:

- a. Being aware of the SDE computer policies.
- b. Taking advantage of training opportunities for using IT to increase productivity.
- c. Being aware of security procedures as they relate to SDE equipment and files.
- d. Changing passwords on a regular basis; not sharing passwords with anyone.
- e. Checking disks for virus infection when appropriate.
- f. Ensuring that all data is stored on file servers.
- g. Notifying Technology Services of any need to relocate computer equipment.
- h. Not installing any software on computers without the prior approval of the BOTS IT Support Team Leader and the appropriate bureau chief. This includes software downloaded from the internet, such as browser toolbars and pop-up blockers.
- i. Using their GroupWise calendar to reflect their availability. This will allow the efficient scheduling of meetings using GroupWise busy search.

Failure to follow any of these policies may lead to disciplinary action due to virus introduction, poor computer system performance or the deletion of critical files.

5.5 Email

All email sent or received by this agency is potentially public information. The SDE email policy is mandated by the State of Idaho email policy as set forth in Appendix D. The State Department of Education adheres to the executive orders issued by the Office of the Governor. SDE employees should take note that the Executive Order specifically states that email may be used for non-SDE purposes only on personal time, and then only occasionally.

Email should be used to transmit information. It should not be used to carry on a discussion or conversation. Discussions or conversations should be done by telephone or in face-to-face meetings. Unlike verbal statements, email may become a permanent record of a particular discussion. Any email sent or received may be stored by the sender or receiver even if the email is deleted from the SDE system. Further, emails should not indicate that an immediate response is required unless actually necessary.

All email sent or received by SDE employees is automatically deleted from the SDE system after ninety (90) days. In order to avoid losing important emails, an employee must manually archive them. Examples of emails that should be saved are those that evidence formal approval, authorization, delegation or similar actions. If you do not know how to archive email, please contact the Help Desk. If an employee has any questions about whether an email should be permanently saved or deleted, the employee should ask the direct supervisor or bureau chief.

To avoid saving any copies of unwanted email, whether sent or received, such email should be deleted immediately and then emptied from the "trash" bin before the end of the business day. Email treated in that manner will not be stored anywhere on the

system. The system will maintain a record or log of the fact that an email was sent or received, but not of the email text itself. The system maintains such a record or log for a period of seven (7) days before it is auto-deleted and permanently gone.

Any email that is manually deleted from the “sent”, “received” or “archive” bins will go to the “trash” bin. Once sent to the trash bin, if it is not deleted the same day it was sent or received, there is a high probability that the email can be recovered for up to six (6) months after the date it is deleted. At that point, the email will no longer be recoverable.

5.6 Software/Hardware Acquisition and Installation

The SDE, through its BOTS, has selected certain hardware and software products for use in the agency. These items have been selected because of proven capability and compatibility with systems already in use. The SDE recognizes that the list of approved products will be updated in response to changes in technology and productivity requirements. All IT purchases must be approved by BOTS. Each request for purchase of Information Technology is subject to review and approval as described below.

The BOTS will work with staff members to identify the equipment/software which is most appropriate. The BOTS will complete a computer purchase order itemizing all equipment to be purchased for an application. This purchase order will be forwarded to the staff member's immediate supervisor and the respective bureau chief for approval (if necessary).

Upon receipt of IT equipment/software, BOTS will perform the initial configuration/installation.

No SDE employee will enter into any IT programming and/or hosting services without prior consultation and coordination with BOTS. This is to ensure that SDE standards are met and that the long term manageability of our IT programs is taken into consideration.

5.7 Security of Information

SDE staff will make a reasonable effort to protect computer systems and software from theft or unauthorized use. This effort will include using system key locks where installed, locking backup files, taking care to turn power off when equipment is not used, and locking work areas where possible.

The SDE will make a reasonable effort to protect confidential and sensitive information stored in its computer systems from unauthorized access. This will include using passwords and lock words where indicated; exiting from programs where sensitive data reside when not in use; and making physical access to data difficult by using security procedures outlined in the preceding paragraph.

Information contained in computer systems must be subjected to the same degree of management control and verification of accuracy that is provided for information in other files, whether automated or manual.

5.8 Interagency Connections

Electronic connections or networks with computer systems of other agencies will be implemented only after careful consideration by the agencies affected by the connection. This consideration should include the restrictions, protocols, and other parameters

necessary to establish these connections. All electronic connections will be coordinated through the BOTS.

5.9 System Backup

Backups of network file servers and application servers will be made and stored off site. Full backups will be performed weekly. Incremental backups will be done each business day between full backups. Full backups are archived every 28 days. Archived backups will be maintained for at least six months.

5.10 Software Copyright/License

License agreements and copyright protection for software acquired and used by the SDE will be strictly adhered to. The BOTS will be responsible for making all staff aware of the restrictions, limitations, and agreements associated with software programs in use by the SDE. The SDE assumes responsibility for complying with license agreements and copyright laws as applicable.

5.11 Web Site Posting

(Approved March 6, 2006.)

This policy is intended to ensure that information that is posted on SDE web sites has been reviewed for content accuracy and relevance.

- Each bureau/section that posts material to the SDE web sites will designate at least one person to act as its posting authority (PA). The PA will be responsible for the posting of all content for the bureau/section. BOTS will be notified who has been designated as a PA via email to the webmaster email account.
- Posting to SDE websites will be accomplished using one of the following methods.
 1. **Email notification to the webmaster email account.** This email will contain the content to be posted or the location of the content and the location to which it is to be posted. The email must be from the appropriate PA. Posting requests from other than a PA will not be processed.
 2. **Direct posting.** The PA can self-post the content (once approved by the supervisor) through the use of the "Contribute" software. Installation of and training on "Contribute" will be provided by BOTS. Requests for installation of the software will be made through the HelpDesk.
- The PA's approving supervisor is responsible for ensuring that no inappropriate or personally identifiable material is approved for posting.
- Verification of the material to be posted will be accomplished using a GroupWise "routing slip" email from the PA to the approving supervisor and back to the PA. By marking the email completed, the supervisor is indicating approval for the PA to post the material. The PA will retain the routed email.

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6. TRAVEL REGULATIONS AND POLICIES

As part of the service, leadership, and regulatory missions of the SDE, employees are expected to travel throughout Idaho and to other states to fulfill their responsibilities. In general, time spent in travel is considered a part of the normal workday for the employee. Department specific policies for travel are cited below. The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

Travel Status: Travel status is properly authorized travel that occurs when employees are required to work away from their assigned reporting location (office or work station), regardless of when the travel occurs. Travel status requires that the employee be traveling to achieve the goals or fulfilling the responsibility of the SDE, and traveling in the most economical and practical manner available. Travel status does not include travel to and from home to the workstation, or for personal convenience relating to indirect routes, stop-overs and leaving earlier or returning later than necessary. Typically, travel status is limited to the time an employee would have needed to travel by common carrier, if the employee is traveling by other means. Travel status does include traveling to and from the airport for work purposes, and traveling for work purposes in and about the city or town in which the employee's workstation exists. Travel status is limited by the policies promulgated by the Idaho State Board of Examiners.

Immediate supervisors will review out-of-state travel and make recommendations to the appropriate bureau chief. The chief deputy superintendent, deputy superintendent or state superintendent will give final approval on all out-of-state travel.

6.1 Travel Authorization and Itinerary

Official travel by SDE employees must be authorized in advance and must be directly related to the objectives of the agency. Reimbursement is subject to state travel regulations. Any revisions to the travel itinerary should be submitted in writing prior to departure.

6.2 State Credit Cards

The following types of state credit cards are available for SDE employees who travel frequently on SDE business. Cards may be requested through Accounting/Human Resources.

6.2.1 Telephone

Telephone credit cards enable the traveler to charge long distance calls to the SDE while traveling. Credit card calls are billed at lower rates than hotel or operator-assisted rates. One non-business-related credit card call per day, 10 minutes in duration, is permissible for employees traveling outside of the Boise area. However, employees are responsible for charges on calls exceeding 10 minutes.

6.2.2 American Express

American Express corporate credit cards enable the traveler to charge business travel expenses, and postpone payment until the traveler has been reimbursed by the SDE.

Cardholders are responsible for paying their own billings. These cards are intended to reduce the need for a travel advance. The state contract with American Express includes the following features:

- annual fee paid by the agency
- no credit limit
- a 60-day grace period before finance charges can accrue
- travel accident insurance when airfare is charged to the card
- handy way to separate business expenses from personal expenses

6.2.3 Rental car

Rental car credit cards enable the traveler to charge rental car expenses directly to the SDE when renting a car is the least expensive alternative. If extenuating circumstances require the traveler to use a rental car in other situations, an explanation must be included as a part of the travel reimbursement process.

Rental Car Insurance Coverage: For a yearly fee paid by the State Department of Education, the Department of Administration's Risk Management bureau provides collision insurance on rental cars for those on state agency business. Agency personnel should decline the CDW, "Collision Damage Waiver" on car rental agreements, thus avoiding duplicate coverage and expensive charges. The limit is the actual cash value of the vehicle or cost to repair the damage, whichever is less-with a \$500 deductible paid by the SDE. "Insured include any agency and any other entity under the State of Idaho's control or for which it assumes active management."

6.3 Travel Advances

The SDE provides employees with travel advances should the traveler not use an American Express credit card. The "Request for Travel Authority" serves as a request for an advance. Advances are to approximate the amount needed for travel, but are not to exceed 90% of the estimated cost. Advances will be issued only when the request exceeds \$35.00 and the traveler will be gone from the home station overnight or longer.

6.4 Travel Reimbursement Form

After returning from official travel, the employee must complete a Travel Reimbursement Form. This form will document the actual expenses incurred as a result of the travel. All applicable receipts, invoices, or other supporting documentation must accompany the form.

6.5 Reimbursement for Meals

The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

6.6 Reimbursement for Lodging

The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

6.7 Reimbursement for Transportation

The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

6.8 Out-of-State Travel

In carrying out the duties as required by job assignments, staff may be required to travel out of state. With the exception of travel specifically requested by the State Superintendent of Public Instruction, approval of out-of-state travel requests will be contingent upon the alignment of the expected benefits from participation in the activities requiring out-of-state travel with one of the following three criteria:

1. A job-related personal professional development of the department employee (limited to one trip per fiscal year).
2. Achieving one of the Department's team objectives. (Approval requires the signature of the appropriate team leader.)
3. The requirements of a Department grant or contract.

The source of funds (state, federal, or dedicated) will not influence approval of out-of-state travel requests.

6.9 Third Party Reimbursements

The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

6.10 Internal Audit of Expense Claims

Accounting/Human Resources will audit all expense claims to ensure their completeness, correctness, and fiscal integrity.

6.11 Travelers with Disabilities

The State Department of Education adheres to the State Travel Policy as approved by the State Board of Examiners. (See Appendix B)

6.12 Travel Expense for Interviews

Travel expenses of personnel seeking employment with the SDE or appearing for interviews for prospective employment with the SDE will not be reimbursed unless specifically authorized in advance by the state superintendent.

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7. Activities

7.1 Activities of SDE Personnel

7.1.1 Political Activities

No employee of the SDE may use the authority of his or her office to influence or interfere with a nomination to or election to any office; nor may any attempt be made to coerce, command, or direct any employee of the SDE to contribute anything of value to any party or person for political purposes. (For detailed reference to political activity, see Idaho Code §67-5311.)

7.1.2 Religious Activities

Employees of the SDE must refrain from any practice that would tend to interfere with another employee's free choice of religion or to influence his or her religious beliefs.

7.1.3 Outside Employment

No employee may have conflicting employment while in the employ of the SDE. No employee may engage in activities, off duty or otherwise, that are in conflict with, or detract from, the full pursuit of the obligations to the SDE. Any violation may be cause for termination.

An employee of the SDE, with written approval of the State Superintendent of Public Instruction, may be permitted to accept additional employment in an educational program conducted under the supervision of the State Board of Education when such employment is not in the ordinary course of the employment of such employee and will be performed in addition to, and beyond the hours of, service required in the ordinary course of employment (Idaho Code §59-512). The written approval will be filed with the State Board of Examiners together with a statement that such additional employment is not in the course of the employee's employment and will be performed in addition to the statutory hours of employment.

7.1.4 Solicitation/Charitable Fund Drives

No desk-to-desk solicitation is permitted.

Vendors requesting access to conference rooms for purposes of acquainting employees with their product or service should be advised that conference space may be rented in the J.R. Williams Office Building by contacting the Bureau of Building Services. This is the only state space available for rent by private entities. Employees should be aware that the use of this conference space by vendors is not an endorsement by the state of the product or service being offered. Employees should utilize coffee breaks, lunch hours, and time before and after work hours to visit with vendors.

Use of state resources to publicize vendor conferences is prohibited. Vendors may place meeting notices on employee bulletin boards. Such notices should state that the product or service is not state endorsed.

Conference space and state facilities may be made available to publicize state endorsed optional fringe benefits (e.g., deferred compensation) and state endorsed

charitable fund drives such as the State Employees United Community Campaign, the Savings Bond Campaign, and Red Cross Blood drives. Such state-endorsed solicitations can be scheduled during work hours.

Bulletin boards located in the various break rooms may be used by employees to post personal brochures, notices of items for sale, etc. Office telephone numbers should not be listed on employee posted advertisements.

As cited in the Governor's Executive Order on statewide policies on computers (see Appendix D), occasionally employees may use the Internet and electronic mail for individual, nonpolitical purposes on their personal time. This use shall not be for personal profit.

7.2 State of Idaho Educational Office Professionals (SIEOP)

All personnel of state educational agencies are eligible for membership in SIEOP. The purpose of SIEOP is to promote the professional growth of personnel in state educational agencies and to encourage the ideals of service in the agencies and the community.

The association meets once per month for one and one-half hours. One-half hour is devoted to association business, the other hour to a speaker for professional or personal growth.

The association also sponsors service projects throughout the year, which are funded in part by ways & means projects. These activities may require that the employee spend some time away from their desk during normal working hours.

It is the policy of the department to approve and fund the travel of both the current president and president-elect of SIEOP to both the state association and national association yearly conferences. Expenses will be reimbursed according to State of Idaho travel regulations.

In addition, when the above conferences are within 50 miles of Boise, the policy will be to approve and fund the travel of a third person, designated by SIEOP, in the same manner as the current president and president-elect of SIEOP. Funding for this travel will be from a central funding source.

It is also the policy of the department to designate a sum of money from a central funding source each year to assist with expenses of other SIEOP delegates to the state association or national association yearly conferences. Decisions on allocation of these funds will be made by SIEOP subject to the provisions of the State of Idaho travel regulations. Any expense funds provided by the department that are unused at the end of a fiscal year will revert to the department's general fund.

7.3 Dues, Licenses, and Membership Fees

The SDE may pay membership dues to organizations relating to employees' responsibilities in state government, or where such dues are part of a requirement of employment. The SDE does not pay for dues to any professional, occupational, or trade association in which membership is restricted to persons who are licensed, certified, or registered under Idaho law (for example, union dues).

The SDE does not pay for any kind of professional, occupational, or trade license, certificate, permit, or occupational registration for any state employee unless the license,

certification, etc., is required by this agency for employment in the agency. For example, the SDE will not pay for teaching certificates. An exception would be notary licenses, which are paid for by this agency and are used only for agency purposes.

7.4 SDE Social Functions

The state superintendent has certified that the SDE is in compliance with the Drug-Free Workplace Act of 1988. Having alcohol as a part of any SDE party that is scheduled during the working day violates the provisions of this act.

Retirement may be recognized by the entire SDE. The SDE may provide a plaque. An organized collection may be made from all employees to purchase a gift since this is not an authorized office expense. A committee will be appointed to plan a way to honor the retiree.

An annual holiday party may be held for all SDE employees. A committee will be appointed to plan the party and the program and to collect the necessary funds to finance it. Additional social events may be scheduled throughout the year.

When an employee separates from the SDE for reasons other than retirement, employees within the area where the person works may want to plan a farewell activity. An optional organized collection may be made from all employees.

All wedding and baby showers should be given outside the SDE normal working hours and an optional organized collection may be made from the employees.

7.5 Service Awards

An employee of the SDE will be given an appropriate recognition award at 5, 10, 15 and 20 years of SDE service.

An employee of the SDE will receive a gift with an appropriate inscription at 25, 30 and 35 years of SDE service.

(Approved March 6, 2006.)

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8. COMMUNICATIONS

8.1 Written Communication

Letters and all written communications are as important as personal contact. They should be clear, concise, correct, and at all times courteous and neatly prepared. SDE stationery is provided for official use only and may not be used for private correspondence or correspondence expressing a private opinion rather than an SDE position.

8.2 Printing and Communication Policy

It is important that our message both in oral and written forms be consistent. In that regard, all of our printed and oral communication must reflect the philosophy and goals listed in our strategic plan. In order to consistently carry out the department philosophy, the following procedures are to be followed:

- All previously published documents such as manuals and reports are to be reviewed by the supervisor before reprinting. The front cover and title pages should be changed to reflect the current state superintendent's name and title. Introductions or forwards should be updated.
- All surveys, data collection, and research studies need prior approval by the chief deputy superintendent before proceeding.
- All documents, videos, etc., need to identify the current state superintendent by name and title, and include department logo, name and address information. In addition, all federally funded projects must give credit to their funding agency.
- All materials should include the date of publication or reprinting.

8.3 Legislative Contact

If an employee is contacted by a legislator requesting information, every effort should be made to assist the legislator. However, if an employee is not sure that he/she has the correct information, or is not the correct person to respond to the request, then the employee should obtain contact information from the legislator and indicate that someone will get back to the legislator as quickly as possible.

To maintain a record of each such contact and to ensure that follow through occurs, a legislative contact form must be used with each and every contact initiated by a legislator. This form can be requested from the chief deputy superintendent's assistant. Once completed, the form should be turned into the assistant of the chief deputy superintendent.

If an SDE employee wants to initiate contact with a legislator about SDE matters, the employee must go through the SDE's designated House and/or Senate contacts. The chief deputy superintendent's assistant has the names of these contacts.

This does not preclude any employee from contacting a legislator in any matters not concerning the State Department of Education. This policy does not apply to work done on any committees or task forces with legislators as members.

8.4 Congressional Correspondence

The following guidelines apply to official correspondence with the congressional delegation:

- a. All correspondence from the SDE to Idaho's congressional delegation must be sent to the state superintendent, chief deputy superintendent or the deputy superintendent for signature. This will ensure that the messages are consistent and represent the position of the SDE.
- b. If any employee is aware of pending federal legislation that will have an adverse effect on or be advantageous to Idaho, he or she should discuss it with the immediate supervisor and the bureau chief of the section. If it is agreed that letters are desirable, the employee will be asked to draft a reply for the authorized signature.
- c. Any citizen may correspond with any elected official on a personal basis at any time. Such correspondence must not be on SDE stationery.

8.5 News Releases and Media Contacts

General news releases should be submitted to the public information officer for release with a copy to the appropriate bureau chief and chief deputy superintendent. The public information officer may revise the release to comply with news media standards.

Controversial information and/or news media contacts must be channeled through the office of the state superintendent and public information officer.

8.6 Policy for Proposing Rules or Amendments

The State Board of Education has statutory authority to adopt rules relating to the public schools, and has established its own procedure, consistent with Idaho Code, for adopting, amending, or repealing rules. Rules relating to public schools are found in State Board of Education Rules for Public Schools, K-12 (IDAPA 08.02). However, the SDE has also established an internal procedure for proposing the adoption, repeal, or amendment of rules. Those steps are as follows:

- a. All proposed rule changes must be reviewed by the immediate supervisor and/or bureau chief and the person in the SDE assigned to supervise the rulemaking process, and must be approved by the chief deputy superintendent.

Proposals dealing with school organization and operation must be submitted to the chief deputy superintendent.

- b. The proposed rule change must show existing language and any deletions or additions. The material must be prepared in so-called "legislative style"-that is, words that will be deleted must be shown as a strike through and words that will be added must be underlined. Both a Statement of Purpose that provides the rationale for, and the effect of, the proposed rule change and a Fiscal Impact Statement must be attached to each proposal.
- c. The person in the SDE assigned to supervise the rulemaking must facilitate the process to ensure that the correct rule language and format are used, that correct procedures are followed, and that the forms for the proposed rules are completed and submitted by the deadlines.

- d. All proposed changes within a given chapter may be processed as a single rule change. However, when one of a number of proposed changes within a chapter is likely to be controversial, it is recommended that the controversial issue be dealt with as a separate rule change.
- e. All proposed rule changes will be distributed to school district superintendents, the Idaho Education Association (IEA), the Idaho Association of School Administrators (IASA), the Idaho School Boards Association (ISBA), the Parent-Teacher Association (PTA), and the State Controller for the purpose of receiving comments and reactions.

When the comments and reactions indicate that the proposal is potentially controversial, the chief deputy superintendent may schedule regional meetings. The regional meetings will be held to inform interested persons about the proposed rule change and to receive comments and suggestions.
- f. A summary of all comments must be attached to the proposed rule change as it is submitted to the chief deputy superintendent for "initial notice" on the agenda of the State Board of Education.
- g. The person in the SDE assigned to supervise the rulemaking must facilitate the rulemaking process. He/she will review the State Board of Education (SBOE) Actions Sheets, complete the Proposed/Temporary Administrative Rules Form (PARF) and Notices of Rulemaking, and submit all documents to the appropriate agencies.
- h. Following State Board of Education approval of the "initial notice," a public hearing may be scheduled on the rules. That hearing may be held during the subsequent meeting of the State Board of Education or scheduled at another time during the 21-day comment period. Upon conclusion of the public hearing, the State Board of Education will adopt, modify, or reject the proposal. Upon legislative approval, rule changes become effective pursuant to Idaho Code. (Administrative Procedures Act)

8.7 Public Records Law (Idaho Code §9-337 through 9-348)

8.7.1 Definitions

Public Records - Include, but are not limited to, any writing containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by a public agency. "Writing" means information maintained in many forms, including, for example, pictures, maps, tapes, magnetic or punched cards, and computer disks.

Inspect - The right to listen, view, and make notes of public records, as long as the public record is not altered or damaged.

Copy - Transcribing by handwriting, photocopying, duplicating machine, and reproducing by any other means, so long as the public record is not altered or damaged.

Custodian - Any public official or employee having physical custody and control of the public records, including those who respond to requests for information on a routine basis. "Custodian" also includes the person, whether elected or appointed, who is legally responsible for administering the public agency, or that person's designee. "Designated custodians" are those employees authorized to

perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so.

8.7.2 Designated Custodians

The following persons are the designated custodians for this agency:

State Superintendent of Public Instruction

Chief Deputy Superintendent

Deputy Superintendent

Bureau Chiefs

These custodians may delegate responsibility for routine information requests.

8.7.3 Exempt and Non-exempt Materials

- a. Records exempt from disclosure are listed in Idaho Code §9-340. All employees should be aware of the following exemptions that apply to this agency:
 - i. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation. This includes but is not limited to student records under Family Education Rights and Privacy Act, and investigation files of the certification office of the Professional Standards Commission, which is part of the SDE.
 - ii. Test questions, scoring keys, and other data used to administer a licensing, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading, or evaluating the examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.
 - iii. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records; active employee financial and membership records; and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents, and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered under this chapter.
 - iv. Any personal records, other than names and addresses, such as parentage, race, religion, sex, height, weight, tax identification and social security number, financial worth, or medical condition submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.
 - v. Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position.
 - vi. Computer programs developed or purchased by or for any public agency for its own use.

- b. Other records may contain a combination of both exempt and non-exempt materials.
 - i. When exempt and non-exempt materials are combined, the public agency is responsible for separating the exempt from the non-exempt information and supplying the non-exempt record. The act prohibits denying access based on the fact that the record contains both types of materials.
The SDE's Idaho Basic Educational Data System (IBEDS) contains information received from the school districts that **is confidential** under the Idaho Public Records Law. This information includes the social security number, home address, birthday, sex, ethnicity, and membership in PERSI. This information may **not** be given out to the public. The other information set forth in IBEDS is public information. This includes annual salary, employment dates, employing school district, and assignments. Questions regarding public or protected information should be referred to the deputy attorney general assigned to the SDE.
 - ii. The employment history, classification, pay grade and step, longevity, gross salary and salary history, status, work place, and employing agency of any current or former employee **are required to be disclosed** to any person who requests the information.
All other information relating to an employee or applicant, such as home address and phone number, will not be disclosed to the public without the written consent of the employee, applicant or designated representative. Employees may inspect and copy their own records, except for materials used to screen and test for employment.
 - iii. Even if an exemption applies to a record, the law allows disclosure of statistical information that does not identify any particular person.
- c. No agency may distribute or sell for use as a mailing list or a telephone number list any list of persons without first securing the permission of those on the list. No list of persons prepared by the agency may be used as a mailing list or a telephone number list except by the agency or another agency without first securing the permission of those on the list. The provisions of this section shall not apply to agencies that issue occupational or professional licenses, i.e., teacher certification.

8.7.4 Procedure for Requesting Public Records

It is the SDE's policy to provide access to and copies of records immediately upon request whenever possible. Although the Public Records Law does allow agencies to require written requests for information, it is the SDE's policy to waive that formal requirement whenever the information requested is readily available and routinely provided by the SDE. The written request requirement should never be used simply to delay collecting or giving out information.

Under some circumstances, however, the SDE may ask the individual or organization seeking the information to put the request in writing. Those circumstances include instances in which there is uncertainty over what the individual wants, when there is uncertainty over whether the information requested is

privileged or protected, or when compiling or copying the information requested is anticipated to be unduly time-consuming or difficult.

The law prohibits asking why the information is needed. It is permissible to explain what records are available and to help identify the material that is desired. It is also permissible to allow the person to examine non-exempt files in order to select the specific records needed. Staff must maintain vigilance to see that records are not altered or destroyed, but the law prohibits examination of any copy, photograph or notes in the person's possession.

A request for records, whether submitted informally or in writing, must be granted or denied within three working days. The designated custodians are the people in this agency who are authorized to determine that a request cannot be fulfilled within three working days.

If more than three working days are needed to locate or retrieve the records, the SDE will ask the individual seeking the records to submit a written request. The request must be granted or denied in whole or in part within ten working days. If no answer is provided within ten working days, the request will be deemed to have been denied.

8.7.5 Costs for Providing Public Records

In general, the act allows agencies to charge a fee for copying costs, but not for any time spent locating, preparing, or duplicating materials; provided however that the SDE may charge to recover actual labor costs associated with locating and copying documents if:

- a. the request is for more than one hundred pages of paper records; or
- b. the request includes records from which nonpublic information must be deleted; or
- c. the actual labor associated with locating and copying documents for a request exceeds two person hours.

The act permits public agencies to charge for the actual cost of photocopying records. The SDE's cost of standard photocopies is currently five cents per page. Due to the cost of accounting for copying fees, copies of up to 50 pages of records will be provided free of charge. If the request is for a greater number of pages, copying fees will be charged for all record requests. (The act does not require the agency to provide multiple copies of the same document.)

The SDE may require advance payment of the photocopying charges for major copying work. A decision on whether to require advance payment should be made by a custodian of the records.

The fee charged for providing information in the form of computer tapes, disks, microfilm or similar record media may not exceed the amount of the direct cost of copying. (Note: It appears to be legislative intent that "direct cost" does not include the regular wages of the computer operator who may be providing these copies.) If the information is also available in publication form, the agency may offer the published material to the individual at the standard cost of selling the publication.

When necessary, a designated custodian may authorize examination of records to be done outside of regular working hours. If this is done, advance payment of reasonable compensation for this added expense may be required.

If there is a request to mail copies of documents to someone, and if the mailing cost is in excess of one dollar, an employee may request advance payment for the copies and a stamped, self-addressed envelope large enough for the number of copies. If the information requested is unusual, or if there is confusion about what is being sought, the SDE may ask the individual to submit the request in writing, along with advance payment for copies and a stamped, self-addressed envelope large enough for the number of copies.

If, in the judgment of the employee, any of these requirements—a written request, advance payment, and submission of a self-addressed, stamped envelope—is unnecessary, the employee may waive any or all of the requirements. Many SDE publications, for example, are distributed free of charge as long as the supply lasts; however, when someone asks for many different publications which will require a higher mailing cost, the employee may ask for advance payment. Any question should be referred to a custodian of the records.

The designated custodian may choose to allow staff, as time permits, to transmit a small number of records by FAX, with the understanding that the person requesting the records will pay the telecommunications charges if those charges are not minimal.

8.7.6 Inspection and Correction of an Individual's Records

After providing identification, an individual may inspect, copy, and request correction of public records pertaining to that person, except those portions of records that are exempt from disclosure. A correction, or a written refusal to make the correction, must be made within ten calendar days. Refer these requests to a designated custodian immediately. See Section 8.7.7 of this manual for the procedure to be followed when a request for correction is denied.

Subsection (3) of Idaho Code §9-342 prohibits access to certain records pertaining to oneself if the information related to exempt investigatory records of ongoing investigations, “is compiled in reasonable anticipation of litigation which is not otherwise discoverable,” relates to adoption records, or “is otherwise exempt from disclosure by statute.”

8.7.7 Denial of Request

If there is any doubt about whether information should be disclosed, the SDE should ask the person making a request to submit that request in writing. The request should be immediately directed to a designated custodian. All such requests must be submitted to and reviewed by the agency's attorney.

If a request for a record is denied in whole or in part, the act requires the person who administers the agency (or a designated custodian) to notify the person in writing. This notice must include:

- a. statement that the attorney for the agency has reviewed the request, or that the agency had the opportunity to consult with an attorney and has chosen not to do so;

- b. the statutory basis for this denial; and
- c. a simple statement of the right to appeal and the time limit for appeal.

A certificate of mailing must accompany the notice.

If a request to correct an individual's record is denied, written notification is required within ten calendar days of the receipt of the request. The notice of refusal to amend a record must state the reasons for the refusal, and provide the statement of appeal rights and certificate of mailing mentioned above. (See the SDE attorney for sample letter and certificate of mailing form.)

The time limit for filing an appeal is 180 days from the date the notice of denial is mailed. The sole remedy for protesting the public agency's decision is to file a petition in the district court of the county where the records or some part of them are located, requesting the court to compel the agency to make the information available or to correct the record.

When a request is denied, the requested records must be retained until the end of the appeal period, until there has been a decision on an appeal, or as otherwise provided by law, whichever is longer. Whenever a request is denied, there must be some indication made on the record that it must not be purged without the approval of a designated custodian.

8.7.8 Penalty and Immunity

The law provides a penalty of up to \$1,000 for a deliberate, bad faith denial of information that should be disclosed. It also provides immunity from liability from the release of records as long as there is a good faith attempt to comply with the law's requirements. Therefore, it is important that any questions or any requests that seem doubtful be immediately referred to the state superintendent or to a designated custodian.

8.8 Open Meetings

(Approved March 6, 2006.)

In general, the SDE does not fall under Idaho's Open Meeting Law found in Title 67, Chapter 23 of the Idaho Code because the SDE does not have a "governing body" as defined in Idaho Code § 67-2341(5). Rather, the SDE has a single individual, the Superintendent of Public Instruction, who determines policy. The Open Meeting Law only applies to a meeting at which the "governing body" makes a decision on behalf of the department or agency. Without a "governing body", the SDE has no such meetings.

The Open Meeting Law does apply to the Professional Standards Commission (PSC), but only when it meets to adopt standards for teacher conduct or adopt recommendations to the State Board of Education regarding teacher education, certification or standards, as well as recommendations to the State Board of Education or local school districts regarding the improvement of the teaching profession in general. The Open Meeting Law does not apply to the PSC when it meets to discuss disciplinary action against teachers or other certificated education professionals.

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9. SAFE WORK ENVIRONMENT

9.1 Workplace Safety

The Idaho State Department of Education is committed to providing a work environment free from violence for all agency employees. This agency will not tolerate any form of violence in the workplace including verbal or physical threats. All employees share the responsibility to make and keep the workplace safe.

9.2 Drug Free Workplace

The SDE recognizes that the use of illegal substances is a very serious problem with physical, emotional, social, and legal implications. Of primary concern is the effect of illegal substance abuse on job performance and productivity in the work environment. The SDE is committed to maintaining a workplace free from illegal drugs and substance/drug abuse.

It is the policy of the SDE that the unlawful manufacture, distribution, dispersing, possession, or use of a controlled substance is prohibited in the workplace. Further, employees may not be under the influence of alcohol or illegal drugs while at the workplace during work hours for which the employee will receive compensation, not to include vacation, sick, or compensatory time. It is a condition of employment with the SDE that employees comply with this policy.

9.2.1 Violations of Drug Free Workplace Policy

In keeping with the SDE's commitment to provide a drug free workplace for its employees, the SDE will investigate and take remedial action whenever there is reason to believe that the unlawful manufacture, distribution, dispersion, possession, or use of an illegal substance is present, or that an employee is under the influence of alcohol or drugs while at the workplace during work hours.

If a violation has taken place, disciplinary action against the offending employee will follow, up to and including termination.

Decisions associated with retention of an offending employee will include, without limitation, satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Any employee who is made aware of or suspects a prohibited incident is taking place must report the matter to his or her supervisor. The matter will not be discussed with co-workers or persons not directly responsible for investigating the situation.

9.2.2 Violations of Criminal Drug Statutes Convictions

As required by federal law, employees must notify their immediate supervisor of any criminal drug statute conviction for a violation that occurred in the workplace. This notice must be given no later than five calendar days after such conviction.

One of the following actions will be taken within 30 calendar days of receiving notice with respect to any employee who is so convicted:

- a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- b. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such proposed by a federal, state or local health, law enforcement, or other appropriate agency.

This policy complies with the requirements of P.L. 100-690 Title V, Section 1515 Drug-Free Workplace Act of 1988.

9.2.3 Employee Verification

Upon initial employment with the SDE, each employee must sign a policy certification verifying that he or she has received and read this drug free workplace policy. This signed policy certification will be kept on file at the SDE.

9.3 Problem Solving

Employees of the SDE should discuss any problems with their supervisors or with any other employees within the SDE who may be able to resolve the problem, including a representative from the Human Resources section. These information discussions are intended to resolve problems in a timely way at the lowest level of the SDE. If the initial meeting is between the employee and the supervisor, any others wanting to attend must be approved by the supervisor.

(Approved April 3, 2006.)

In the event the employee is not satisfied with the discussion, he or she should discuss the issue or problem with the appropriate bureau chief, deputy superintendent or the chief deputy superintendent. In that case, the bureau chief, deputy superintendent or chief deputy superintendent will take whatever action he or she deems necessary to resolve the problem.

To initiate a more formal problem solving process, an employee should seek additional help from the Human Resources office.

Employees may also use the procedure described below for grievances alleging sexual harassment or other illegal discrimination.

9.4 Optional Procedure for Alleging Sexual Harassment/Other Illegal Discrimination

Grievances alleging sexual harassment or other illegal discrimination should be filed by using the following procedure. In all cases, the complaint, the investigation, and the solution will be kept confidential to the maximum extent possible.

9.4.1 Confidentiality

Due to the damage that could result to the career and reputation of any person falsely accused of sexual harassment or discrimination, all investigations surrounding such matters will be designed to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant. Only those persons responsible for investigating and enforcing civil rights matters will have access to confidential information.

Any employee aware of, or suspecting the occurrence of, sexual harassment or discrimination is expected to report the matter to the state superintendent or a representative of the Human Resources section through the most confidential and direct

means possible to preserve morale and discipline in the work unit. In addition, there should be no discussion of the matter with co-workers and/or persons not directly responsible for investigating the matter. (Approved April 3, 2006.)

9.4.2 Definition of Sexual Harassment

According to the Equal Employment Opportunity Commission, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions such as merit increases, promotions, leave, etc.; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Additionally, the Equal Employment Opportunity Commission states that a person who is qualified for but denied an employment benefit because of another's submission to sexual harassment may be protected by Title VII of the 1964 Civil Rights Act.

9.4.3 Filing the Sexual Harassment or Discrimination Complaint

The employee is encouraged to discuss the problem with either a representative of the Human Resources section or the state superintendent. If the matter is not resolved, the employee must file a written complaint with one of them within five working days of the incident (or last incident). (Approved April 3, 2006.)

9.4.4 Investigation and Report

A representative of the Human Resources section will investigate the complaint by:

- a. Obtaining a statement from the employee regarding the times, dates, places, and circumstances surrounding the allegations;
- b. Discussing the matter with the accused;
- c. Obtaining statements from witnesses, if any; and
- d. Submitting a report of the investigation to the state superintendent.

The representative of the Human Resources section has 15 working days to complete the investigation and submit a report to the state superintendent. (Approved April 3, 2006.)

9.4.5 State Superintendent of Public Instruction's Decision

The state superintendent has five working days (excluding days the state superintendent is out of the office on business or leave) to notify the employee in writing of his/her decision. Based on the report, the state superintendent will take immediate and appropriate corrective action. In determining whether conduct constitutes sexual harassment or illegal discrimination, the state superintendent will consider all the circumstances, including the nature of the charges and the context in which they have occurred.

- a. If there appears to be no evidence to support the allegation:

- i. No record will be made of the allegation in either the accused's or the employee's personnel records; and
 - ii. If the allegations are proven malicious and unfounded, disciplinary action may be taken against the employee who made the allegations.
- b. If evidence exists to support the allegation, disciplinary action, up to and including dismissal, will be taken against the offending employee. Additionally, appropriate relief will be provided for the employee who filed the complaint.

9.4.6 Filing with the Idaho Human Rights Commission

In addition, the employee may file a complaint, in writing, directly with the Idaho Human Rights Commission, alleging sexual harassment. The employee has one year from the date of the incident (or last incident) involving an alleged harassment or discrimination to file the complaint. Contact information for the Idaho Human Rights Commission is the following:

Idaho Human Rights Commission
Owyhee Plaza Suite 400
1109 Main Street
Boise ID 83720-0040
(208)334-2873; FAX: (208)334-2664

The employee may also file with the Equal Employment Opportunity Commission within 180 days of the incident. The contact information for the EEOC is as follows:

Equal Employment Opportunity Commission
Seattle District Office
Federal Office Bldg.
909 First Ave, Suite 400
Seattle WA 98104-1061
(206) 220-6883

9.5 Civil Rights Grievances

Grievances by employees or other persons alleging illegal discrimination by the SDE or any of its employees in any of the SDE's public facilities, programs or activities based on race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status may be filed as follows:

9.5.1 Filing a Civil Rights Grievance Complaint

A complaint should be filed in writing by the complainant; the complainant's representative, parent or guardian; or both. Any complaints received by the SDE by telephone or orally will be recorded by the SDE in written form.

The complaint should set forth the date, place, and nature of the discriminatory action, and specify the remedy sought by the complainant.

9.5.2 Investigation and Report

The SDE will contact the complainant in writing within 10 working days of receipt of the complaint to let him or her know the complaint was received and what action the SDE has taken or will take in an attempt to resolve the complaint.

Within 90 calendar days after receiving the complaint, the designee of the state superintendent must investigate the incident and issue a finding of whether or not evidence of discrimination was found. The investigation shall include, but not be limited to, interviews with the complainant and appropriate office staff.

If the complainant does not agree with the finding of the designee of the state superintendent, he or she will have 30 days to provide additional information to the designee of the state superintendent to facilitate further review of the complaint.

The complainant will be notified of his or her right to appeal the findings of the SDE to the proper state or federal compliance agency.

9.5.3 Filing other Complaints

The complainant may also file a complaint with the following state and federal agencies:

Idaho Human Rights Commission
Owyhee Plaza Suite 400
1109 Main Street
Boise ID 83720-0040
(208)334-2873; FAX: (208)334-2664

U.S. Department of Justice
Civil Rights Division
PO Box 65808
Washington DC 20035-5808
(202) 514-4609; FAX: (202) 514-0293

Office of Civil Rights, Seattle Office
U.S. Department of Education
915 Second Avenue
Seattle WA 98174-1099
(206) 220-7880; FAX (206) 220-7887

Any funding agency that provides funding to the Idaho State Department of Education will accept a complaint.

Employment complaints may be filed with:

Equal Employment Opportunity Commission
Seattle District Office
Federal Office Bldg.
909 First Ave, Suite 400
Seattle WA 98104-1061
(206) 220-6883

9.5.4 No Retaliatory Action

No individual who has filed a complaint, or testified, assisted, or participated in any manner in the investigation of the complaint may be intimidated, coerced or otherwise discriminated against.

9.5.5 Retention of Records

All records of complaints and investigations filed under this procedure will be retained in the SDE for a period of three years.

9.5.6 Employee Actions

All employees of the SDE are responsible for acting in accordance with this policy.

9.6 The Idaho Protection of Public Employees Act (Whistle Blower)

The 1994 Idaho Legislature enacted a law known as the “Idaho Protection of Public Employees Act.” This law protects SDE employees from retaliation for reporting waste or violations of any law, rule, or regulation. The law specifically refers to:

- Reporting in good faith the employee’s belief that there is waste of public funds. (§6-2104[1], Idaho Code)
- Reporting in good faith the violation or suspected violation of a law, rule or regulation. (§6-2104[1], Idaho Code)
- Participating in or giving information in an investigation, hearing, court proceeding, legislative or other inquiry, or other administrative review. (§6-2104[2], Idaho Code)
- Objecting to or refusing to carry out a directive that the employee believes in good faith to violate a law, rule, or regulation. (§6-2104[3], Idaho Code)

9.6.1 Employee Protections

The department is forbidden from taking the following adverse actions against an employee who has exercised the employee’s right listed above: (a) discharging the employee, (b) threatening the employee, or (c) discriminating against the employee’s employment. Discrimination against employment includes compensation, terms, conditions, location, rights, immunities, promotions, or privileges. (§6-2103[1], Idaho Code)

9.6.2 Legal Procedures

If the department takes adverse action or intends to take adverse action that is forbidden by this act, the employee may sue for damages or an injunction within 180 days. (§6-2105[2], Idaho Code) If a court finds that adverse action was taken or threatened, the court may enjoin further adverse action, order reinstatement, order compensation for lost wages, assess a civil penalty not to exceed \$500, and order payment of the employee’s attorneys’ fees. (§6-2106, Idaho Code) However, the department may be awarded attorneys’ fees when an employee brings suit without reasonable basis in fact or law. (§6-2107, Idaho Code)

9.7 SDE Policy on Reasonable Accommodations for Persons With Disabilities as Required by the Americans With Disabilities Act

The SDE makes a good faith effort to provide reasonable accommodations for people with disabilities, whether they are employees or non-employees. If an SDE employee receives a request for accommodation he/she believes is unreasonable, the employee will contact the ADA Coordinator. The ADA Compliance Committee will then determine whether the accommodation is reasonable or unreasonable, requesting expert assistance from the community if needed. The ADA Coordinator will discuss the determination with the employee, and will respond in writing to any requests deemed unreasonable. The person

requesting the accommodation may use the SDE civil rights grievance procedure to file a complaint. SDE employees may appeal ADA Compliance Committee determinations to the SDE Cabinet.

9.7.1 Public Meetings, Workshops, Conferences Sponsored by SDE

Meeting Locations

Meetings are to be held in wheelchair-accessible locations. Check with the facility's management to determine the accessibility status of a site prior to scheduling the meeting.

Safety Procedures

An emergency evacuation procedure is required for each meeting. The recommended procedure should be obtained from the meeting site management and announced to the group at the beginning of the meeting, as well as the location of restrooms and other amenities. Any special procedures for people with disabilities, such as fire-safe areas, should also be announced.

Printed Meeting Notices

The following clause shall be included in all printed meeting notices:

NOTE: If any auxiliary aids or services are needed for individuals with disabilities, please contact (contact person) at (contact person's phone number) or T.D.D. (Idaho Relay Service) 1-800-377-3529 no later than three working days before the meeting.

Please insert the name and phone number of the SDE staff person in charge of the meeting as the "contact person."

Reasonable Accommodations

The SDE is required to provide reasonable accommodations (i.e. auxiliary aids or services) for people with disabilities who wish to attend SDE-sponsored meetings. Accommodations may include interpreters for the deaf, written text in large print or Braille, information recorded on audiotapes, amplified hearing devices, and assistance with reading instructions or filling out forms. The associated cost, if any, becomes a part of the cost of sponsoring the meeting. Reasonable accommodations should be requested at least three working days before the meeting.

Contact people may request assistance from the ADA Coordinator in providing the necessary accommodations.

9.7.2 Employment

General Employment Rules

Title I of the ADA prohibits discrimination against qualified individuals with disabilities in every aspect of employment. Individuals are qualified if they can perform the essential functions of a job with or without reasonable accommodations.

Reasonable Accommodations in Employment

The SDE is required to provide reasonable accommodations for qualified individuals with disabilities. Some examples of reasonable accommodations for employees/applicants are: making facilities accessible, restructuring jobs, modifying work schedules,

reassigning an individual to a vacant position, acquiring/modifying equipment, modifying materials or policies, and providing qualified readers or interpreters.

The SDE is not required to provide accommodations that will impose an undue hardship. "Undue hardships" are defined as actions that would result in significant difficulty or expense. Also, the SDE is not required to provide personal use items such as wheelchairs, glasses or hearing aids.

Maintaining Standards of Performance

The SDE is not required to lower its standards of quality or quantity in order to accommodate a disability.

Position Vacancy Advertisements

The following notice is to be included in all advertisements of vacant SDE positions:

NOTE: If any auxiliary aids or services are needed for individuals with disabilities during the application process, please contact the ADA Coordinator, at 332-6800 or T.D.D. (Idaho Relay Service) 1-800-377-3529.

Interviewing

The Accounting/Human Resources section provides guidelines for interviewing applicants with disabilities and discusses these with SDE employees who will conduct interviews. The basic rule: ask the applicant about his/her abilities, not his/her disabilities.

The SDE employee conducting the interview reviews the essential functions of the job, requesting assistance or clarification from the ADA Compliance Committee if needed, and then determines whether each applicant can perform them. The ADA Compliance Committee will respond to questions regarding job criteria that may adversely affect individuals with disabilities.

9.7.3 SDE Facilities

SDE services, programs and activities are required to be readily accessible and usable by people with disabilities. The SDE is not required to make facility modifications that would fundamentally alter its services, programs or activities, or result in undue financial and administrative burdens.

Evacuation Plan

The SDE is required to have an evacuation plan addressing the safety of individuals with disabilities. The SDE Evacuation Officer is in charge of implementing the plan.

Office Doorways

The vast majority of SDE individual office doorways with doors may not be accessible to wheelchair users because the doorways are not wide enough (less than 32 inches). Therefore, when meeting with wheelchair users, SDE staff in inaccessible offices must choose an alternate location.

9.7.4 Telecommunications

The SDE is required to ensure that its communications with individuals with disabilities are as effective as its communications with others. For examples of auxiliary aids and services that may be provided to meet this requirement, see the previous sections on "reasonable accommodations for disabilities."

Telecommunication Relay Service

The Idaho Telecommunication Relay Service (ITRS) is a service that translates voice telephone calls into T.D.D. (text) format, and vice versa. There is no charge for the relay service, although standard long distance charges apply. There is no limit on ITRS usage, and all conversations are confidential. After each line of conversation, the words "go ahead" tell the other party that it is his or her turn to respond.

Toll-free phone numbers for the ITRS are

From a voice telephone, 1-800-377-1363

From a T.D.D., 1-800-377-3529.

Hearing Aid Compatibility

SDE staff generally allows the public to use their telephones, and consequently the ADA requires SDE to provide hearing-aid compatible equipment. All of our handsets are hearing aid compatible. In addition, each of our phone units has variable volume control.

9.7.5 SDE Forms/Publications

SDE forms and publications for public use should contain the following clause:

NOTE: If any auxiliary aids or services are needed for individuals with disabilities, please contact (contact person's name) at (contact person's phone number) or T.D.D. (Idaho Relay Service) 1-800-377-3529.

SDE program managers may designate themselves as the "contact person," or may substitute the ADA Coordinator's name and phone number. Contact people may request assistance from the ADA Coordinator in providing accommodations for disabilities.

In addition, SDE letterhead and business cards should include the Idaho Relay Service number: 1-800-377-3529.

SDE publications for public use should contain the following clause:

Federal law prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue, Seattle WA 98174-1099, (206) 220-7880; FAX (206) 220-7887.

9.7.6 Complaints

The SDE problem-solving procedures for prompt and equitable resolution of complaints alleging any action prohibited by the ADA are outlined in Sections 9.3, 9.4 and 9.5 of this manual. These procedures may be used by SDE employees or non-employees who feel

they have been discriminated against. SDE staff should give a copy of the procedure to anyone with a civil rights complaint, and provide assistance in filing a complaint, if requested. Complainants may be referred to the ADA Coordinator.

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APPENDIX A

Organization and Administration

Idaho's public school system is established by Article IX, Section 1, of the Idaho Constitution:

The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho to establish and maintain a general, uniform and thorough system of public, free common schools.

The Constitution also establishes the state superintendent of public instruction as one of the state's executive officers (Article IV, Section 1) and creates a State Board of Education (Article IX, Section 2) with broad responsibilities:

"The general supervision of the state educational institutions and public school system of the state of Idaho shall be vested in a state board of education, the membership, powers and duties of which shall be prescribed by law. The State Superintendent of Public Instruction shall be an ex officio member of said board."

School Districts

By law, Idaho is organized into school districts (114 in 2005), which are political subdivisions of the state for the special purpose of education. Each school district is administered by its own locally elected board of trustees acting in compliance with state and federal laws, federal regulations, and state rules, standards, and policies adopted by the State Board of Education. See Title 33, Chapter 5, Idaho Code, for general statutory powers and duties of local school trustees.

State Board of Education

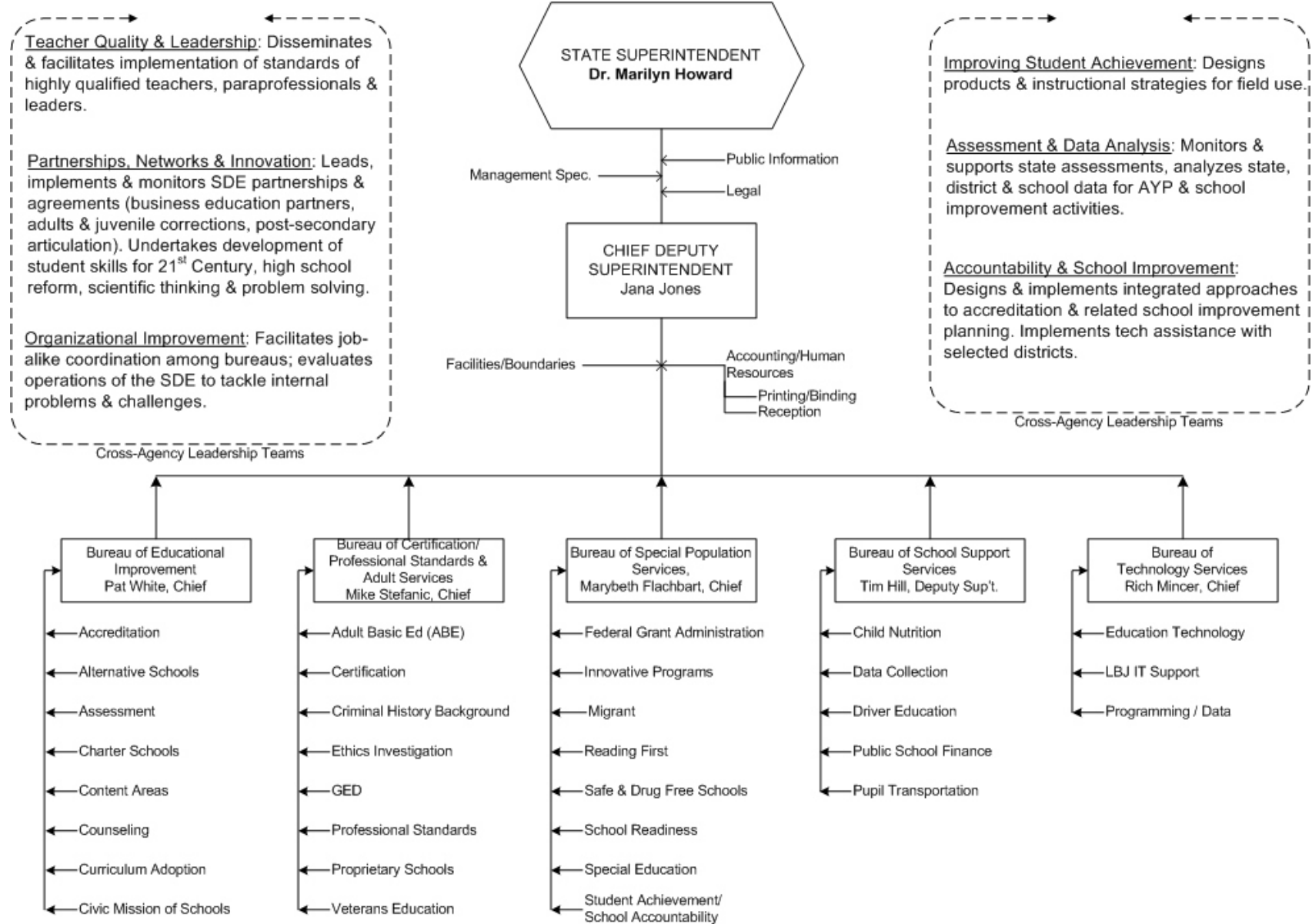
The eight-member State Board of Education is comprised of seven members appointed by the governor to five-year terms, and the State Superintendent of Public Instruction, who is an ex officio voting member and the board's executive secretary for all elementary and secondary school matters.

By law (Title 33, Chapter 1, Idaho Code), the state board of education is responsible for
". . . the general supervision, government and control of all state educational institutions
. . . and for general supervision, government and control of the public school system of the state . . ."

The State Board of Education establishes policies, standards, rules, and regulations for the public elementary and secondary schools of the state (and, in some instances, private schools) in instruction, school administration, teacher certification, professional practices, facilities, transportation, and other areas. These requirements are found in State Board of Education Rules for Public Schools, K-12.

The intent of the state-level regulatory program is to establish minimum instructional, staffing, and operating standards for the public school system.

Organization Chart



APPENDIX B

Travel Policy

STATE TRAVEL POLICY and PROCEDURES

SBEX Policy No. 442-50

Adopted: July 1, 1996

Last Amended: January 1, 2004

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HISTORY OF AMENDMENTS

Effective July 1, 1996

Approved by State Board of Examiners on June 3, 1996

Amended by the State Board of Examiners

April 13, 1999

February 13, 2000

June 13, 2000

January 2, 2001

July 1, 2001
January 1, 2002
January 1, 2003
January 1, 2004
April 12, 2005

STATEMENT OF PHILOSOPHY

These State Travel Policies and Procedures are effective July 1, 1996, as adopted by the Board of Examiners in accordance with §§[67-1001](#), [67-2004](#), [67-2005](#), [67-2006](#), [67-2007](#), [67-2008](#), [67-5250](#), Idaho Code. These travel policies and procedures replace and supersede any and all prior state travel regulations, policies and procedures that may have been promulgated or adopted by the Board of Examiners. These policies and procedures shall be agency guidelines for all personnel defined as employees of the state of Idaho, except as provided by law, and shall be applicable to all official travel paid for by the state of Idaho and all departments, agencies, officers, boards, commissions, institutions and other state entities.

Departments may adopt their own internal travel policies for additional administrative control or flexibility when deemed necessary or desirable. No department, however, may permit travel reimbursement exceeding that allowed by these state Travel Policies and Procedures, nor shall they institute more liberal measures of travel control than those provided herein. Department heads shall make certain that all of their employees who travel for official purposes are aware of these policies and procedures. A copy of the department's travel procedures and policies adopted in addition to those herein provided shall be filed with the State Controller.

All reimbursable travel of state employees must have been properly authorized; actually incurred; essential in achieving the goals or fulfilling the responsibility of a particular department; and conducted in the most economical and practical manner for the state.

The primary responsibility for proper control and compliance with State Travel Policies and Procedures, or those adopted by state departments, is inherent in the administrative responsibility and authority of the director of each department. For purposes of these policies and procedures, the term "director" shall also include the appointing authority of any state entity as enumerated above, or their designated representative(s).

1. TRAVEL AUTHORIZATION

Official travel of state employees must be authorized by the director of the department or by the director's designated representative(s).

Procedure 1-1. The method for granting authorization is left to the discretion of the director of each department.

2. APPROVAL OF TRAVEL EXPENSE

Travel expense vouchers must be approved for payment by the department director or designated representative(s).

3. ALLOWABLE EXPENSES

Payment of travel expense by the state of Idaho is limited to costs authorized in these State Travel Policies and Procedures, unless the Board of Examiners provides an exception thereto.

Travelers with disabilities: With prior approval of the department director or designated representative, employees with disabilities are allowed payments of certain additional travel

expenses to accommodate their disabilities such as, but not limited to, subsistence and transportation of an attendant when the employee requires assistance, cost of specialized transportation, increased cost of specialized services for public carriers or special baggage handling.

4. EXPENSES NOT ALLOWABLE

The following will **not** be paid by the State:

- A. Expenses of a personal nature incurred for the convenience of the traveler including travel by indirect routes or stop-overs for personal reasons; or leaving earlier or returning later than necessary on a trip. It is acceptable for the traveler to leave their home station in reasonably sufficient time to arrive at an airport's recommended pre-departure time.
 - 1. Notwithstanding the restrictions contained in 4.A. above, an agency may reimburse an employee for travel expenses incurred during official travel which includes a personal stopover to the extent the employee sufficiently documents that the cost of the entire trip (including transportation, lodging, per diem, miscellaneous expenses and compensatory time) is no more than the costs would have been without the personal stopover. Supporting schedules must be attached to the employee's travel expense voucher.
 - 2. Extraordinary expenses due to unusual circumstances when deemed appropriate and necessary, may be approved by the department director. Supporting documentation shall be attached to the travel expense voucher.
- B. Expenses for travel between home and office or for other non-official purposes
- C. Expenses incurred by an employee while on leave.

5. MODE AND ROUTE OF TRAVEL

Employees shall use the most practical mode of travel from the standpoint of time and expense. When unusual circumstances preclude adhering to this procedure, department directors may allow an exception. Supporting documentation shall be attached to the travel expense voucher

6. TRAVEL BY PUBLIC TRANSPORTATION

Reimbursement for travel by common carrier shall be limited to the lowest cost means of travel unless it is impractical or not available. When for personal reasons a traveler is authorized by the department director to use a private conveyance in lieu of common carrier, reimbursement will be limited to an amount for travel, meals, lodging and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by common carrier. Unless the department director specifically authorized a leave of absence, excess travel time incurred by the authorized use of a private conveyance for personal reasons during working hours shall be charged to the traveler's accrued leave.

Procedure 6-1. All original receipts for travel by common carrier paid by an employee must be attached to the travel expense voucher. This includes the boarding fees at airports which are considered part of the airline ticket expense.

Procedure 6-2. An explanation must be attached to the travel expense voucher when an employee is authorized to use a private conveyance in preference to the common carrier and is

claiming an amount equivalent to the common carrier fare. The explanation must include destination, actual departure and return dates and hours which would have been incurred by the use of the common carrier.

7. USE OF PRIVATELY-OWNED AUTOMOBILE, AIRCRAFT, OR OTHER CONVEYANCE

The use of privately-owned automobiles, aircraft, or other conveyances may be authorized whenever it is more practical or beneficial to the state's mission than transportation by common carrier or state vehicles. Privately-owned conveyances shall be covered by public liability and property damage insurance, pursuant to Idaho Code.

The cost of transportation by private conveyance shall be paid at the rate set by the Board of Examiners, pursuant to [Appendix A](#), up to the maximum allowed by law.

If an agency-owned vehicle is available to the traveler, but for personal convenience a privately-owned conveyance is used, the reimbursement shall be limited to one-half the applicable rate, unless otherwise determined by the director.

Allowable in-state mileage shall be computed according to the latest official state highway map or mileage charts. Allowable out-of-state mileage shall be computed according to the latest Rand McNally Atlas. Odometer readings are permissible only when mileage computations cannot be made from such maps or charts.

Travel for official purposes in and about a city, including travel within an employee's [official station](#), as defined in 11, when not constituting a trip between two communities may be consolidated on a daily basis and reported as "vicinity travel".

Automobile storage or parking fees will be an allowable expense when necessary to protect state or private property, or for other reasons is advantageous for the state.

Receipts for storage or long term parking fees must be attached to the travel expense voucher for reimbursement.

8. VEHICLE RENTALS AND AIRCRAFT CHARTERS

Automobile rental or aircraft charter may be authorized by the department director when the use of such conveyance is the most economical and practical means of transportation, necessary to accomplish the state's mission.

The most economical and practical rental equipment available will be used. Receipts for vehicle rental or charter costs paid by the traveler must be attached to the travel expense voucher for reimbursement.

9. USE OF STATE VEHICLES

The use of state vehicles for personal or other non-official business is strictly prohibited. Home-to-office driving is only permissible when beginning or ending an authorized trip outside of regular business hours, or for other reasons considered in the best interest of the state and approved by the department director. The names and an explanation of the responsibilities of administrative personnel determined by the department director to require the permanent assignment of a state vehicle shall be furnished to the Board of Examiners for approval.

Individuals who are not on state business may not operate or ride in a state conveyance while on official state business unless prior approval has been granted by the director or designated

representative(s). Supporting documentation must be attached to the travel expense voucher.

State and local traffic laws must be observed at all times. Any employee committing an infraction of such laws shall be personally liable for any damage if the employee is acting outside the course and scope of official duty, and may be subject to disciplinary action. Any employee committing an infraction of such laws may be requested to attend a defensive driving course. Employees shall be personally liable for any fines arising from infractions of state and local traffic laws. State vehicles may be operated only by individuals who possess a valid operator's license. Seat belts must be worn at all times while operating or riding in state vehicles.

10. LODGING EXPENSES

The actual cost of lodging plus applicable tax will be reimbursed to the traveler. Lodging costs may be direct-billed to the department with prior approval of the department director. Lodging costs within an employee's [official station](#) (defined in 11.) are not allowable.

Procedure 10-1. Original receipts for all lodging must be attached to the travel expense voucher for reimbursement. Any exception to this procedure must have supporting documentation attached to the travel expense voucher.

Procedure 10-2. At the time of making reservations or registering, employees shall identify themselves as state employees and whenever possible, secure the accommodations at the government rate, if available.

11. MEAL EXPENSES NOT ALLOWABLE

Expenses for meals or lodging of employees at their official station shall not be allowed except as provided below.

"Official station" is defined as the work area or office assigned to the employee or in certain circumstances the department director may further define the "official station" of employees with unique work assignments or responsibilities.

An exception may be made when the department director determines that due to unusual circumstances it is in the best interest of the state that the employee not return home each night, or these expenses are prepaid as part of a registration for a conference, or when the employee's job description requires that employee to be on call for emergencies during meal time.

1. Any potential determination as to what comprises a "conference" or "convention" at the official station must meet certain criteria before any consideration of meals reimbursement will be made. Such criteria may include one or more of the following:
(a) the function has participants from various locations; (b) a registration fee is charged; (c) it has a published agenda; (d) meal cost is included in the registration fee; (e) attendance is compulsory or voluntary as determined by the department director, etc.

Meal expense shall not be reimbursed when a clear distinction cannot be made by any agency's documentation supporting what constitutes an official "conference" and/or "convention" using the criteria cited in 11.1.herein.

2. Reimbursement for meals at the home station is not allowable for informal meetings (i.e. over a casual breakfast, lunch or dinner) between staff members of an agency or other agencies; other state and federal employees; state employees and legislators,

etc. However, with Board of Examiners approval, home station meals may be reimbursed where necessary to promote trade or commerce.

The State Controller's Office will interpret all meetings to be informal unless documented proof is submitted with the travel expense voucher showing otherwise. All meals qualifying for reimbursement will be paid only to the extent authorized by Idaho Code §[67-2008](#).

3. Reimbursement will not be made to an employee for expense of meals or lodging provided by relatives or other parties unless the relative or other party is in the business of providing such services and advertises such to the general public.

4. Reimbursement will not be made to an employee for meal expenses when the employee left their home station earlier than reasonably necessary to meet an airport's recommended pre-departure time.

12. MEAL EXPENSES ALLOWABLE

A. Per Diem Reimbursement

Without supporting documentation, a per diem reimbursement shall be paid to the traveler in accordance with the amounts set by the Board of Examiners pursuant to [Appendix B](#), up to the maximum allowed by law, for all official travel which mandates an overnight stay. Per diem is defined as the reimbursement for: meals, meal gratuities, and fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardess on ships, and hotel servants in foreign countries.

Complimentary meals, including continental breakfast provided by a hotel and meals provided by common carriers will not be deducted from the per diem allowance to be paid.

B. Partial Day Reimbursement

Where employees are absent from their official station for less than twenty-four (24) hours, a partial day reimbursement for meals, including gratuity, shall be paid to the traveler at the maximum rate set by the Board of Examiners pursuant to [Appendix B](#), Partial Day Per Diem Reimbursement. Each department may adopt an internal policy regarding partial day per diem reimbursement whenever travel does not involve an overnight stay.

For travel involving an overnight stay a partial day reimbursement for per diem shall be paid to the traveler at the maximum rate set by the Board of Examiners pursuant to [Appendix B](#), Partial Day Meal Reimbursement, within the following limitations:
Breakfast: If the actual departure time is 7:00 a.m. or before, or if the return time is 8:00 a.m. or after.

Lunch: If the actual departure time is 11:00 a.m. or before, or if the return time is 2:00 p.m. or after.

Dinner: If the actual departure time is 5:00 p.m. or before, or if the return time is 7:00 p.m. or after.

If meals are furnished as part of a conference registration fee, the employee shall be reimbursed for meals not provided at the partial day meal reimbursement rate, pursuant

to [Appendix B](#).

Procedure 12-1. The destination, time and date of departure and return to official station must be shown on the travel expense voucher for each trip.

C. Refreshments and Meals for Official Meetings

The State Board of Examiners recognizes the importance of sponsoring meetings and training sessions. Further, the Board understands that to facilitate the needs of the attendees and to ensure the best utilization of attendee time, refreshments and/or meals may be provided to those attending department-sponsored meetings and/or training sessions under the following criteria:

1. Refreshments

- a. The meeting or training session has a published agenda and attendance is mandatory.
- b. The meeting or training session has an intended duration of three (3) hours or more;
- c. There are five (5) or more attendees; and
- d. The total per attendee cost of the refreshments, per refreshment break, will not exceed \$7.50, which is the allowable partial day per diem amount established for breakfasts, pursuant to [Appendix B](#).

2. Meals

- a. The meeting or training session has a published agenda and attendance is mandatory;
- b. Location or scheduling conflicts do not lend themselves to a meal recess;
- c. The meeting's business is furthered by speeches, presentations or interpersonal exchange that would not normally occur on a daily basis;
- d. The meeting or training session has an intended duration of six (6) hours or more;
- e. There are five (5) or more attendees; and
- f. The per-attendee cost of the meal does not exceed the allowable partial day per diem reimbursement, pursuant to [Appendix B](#).

Regularly scheduled staff meetings or department-sponsored social gatherings shall not qualify for meal or refreshment provisions unless such meetings occur no more than quarterly and attendees are brought together from various locations throughout the state. Further, an attendee shall not be eligible for meal reimbursement due to travel status if such meal is provided while attending a meeting or training session

13. MISCELLANEOUS EXPENSES

With supporting documentation, expenses for certain miscellaneous items are reimbursable if incurred by a state employee in the official conduct of state business. Necessary miscellaneous expenses, for which receipts may not be available, may be reimbursed upon certification by the

employee.

Department directors shall establish procedures regarding documentation by receipts for the following items:

A. Taxi or bus fares to and from depots, airports, and hotels, and other ground transportation costs necessary to conduct official state business while in authorized travel status.

B. Telephone calls and telegraph messages, including one personal telephone call per day by the traveling employee, limited to ten (10) minutes. In the case of family emergency or unusual circumstances, personal calls of longer duration may be approved by the director.

C. All business-related expenses including stenographic or typing and facsimile services, stationery, postage, or other supplies if such were necessary for the transaction of state business.

D. Customary fees for cashiers' checks, bank drafts, or money orders for the purpose of making a remittance to the state.

E. Registration fees which are required as admittance or attendance fees for official participation in conferences, conventions, or other meetings.

F. Laundry during a state business trip of five (5) days or longer duration away from the employee's official station.

G. Expenses not specifically described in these policies and procedures as an allowable expense, but which nevertheless, are necessary in the performance of official state business.

14. COMPENSATORY TIME FOR TRAVEL

Compensatory time for travel will be granted in accordance with Fair Labor Standards Act Regulations 29 C.F.R. Section [785.38](#), [785.39](#), [785.40](#), [785.41](#), to all employees except those listed as "non-covered" under the FLSA, including elected officials, personal staff members selected or appointed by elected public officials, policy-making appointees of elected officials, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners, and "trainees".

15. LEAVE DURING TRAVEL STATUS

A traveler who has been granted leave, either compensable or non-compensable, while in travel status shall report in his claim for reimbursement the exact date and time of departure from duty and return.

16. FOREIGN TRAVEL

The state of Idaho foreign travel policy, pursuant to Idaho Code [§67-2008A](#), shall be as follows:

The foreign travel per diem allowance (FTPDA) is a payment in lieu of reimbursement for actual expenses. The FTPDA is intended to cover the costs of meals at adequate, suitable and moderately priced facilities including costs of mandatory service charges, taxes, laundry and dry cleaning.

The FTPDA will be based on the most current publication of [U.S. Department of State Maximum Travel Per Diem Allowances for Foreign Areas](#). The daily FTPDA will be 100%

of the listed M & IE rate in the above publication.

The actual cost of lodging plus applicable tax and service charge will be reimbursed to the traveler.

17. INTERNAL AUDITING OF TRAVEL EXPENSE VOUCHERS

Each department shall provide a procedure for auditing of all claims for travel expenses for compliance with the standards established by these state policies and procedures, or those adopted or imposed by internal department policies and procedures.

Procedure 17-1. It is the responsibility of individual departments to audit all expense vouchers thoroughly to ensure their completeness, correctness and fiscal integrity. All claims shall be presented in a legible manner. Audit procedures should include verification of the following items:

- A. Travel duration does not exceed the trip requirements.
- B. Expenses are not claimed by employees in leave status.
- C. Vicinity travel is reasonable considering work assignments.
- D. Trip mileage corresponds to official state highway maps and mileage charts.
- E. Beginning and ending hours and dates are shown for each trip.
- F. The travel was properly authorized and the purpose of the travel is shown.
- G. All entries are mathematically correct, unallowable expenses are deducted, and
- H. All necessary receipts and explanations are securely attached to the travel expense voucher.

Each department will keep a complete record of all employee travel by maintaining a copy of the travel expense voucher and all applicable and supporting documentation accompanying the claim.

Records as noted above will be maintained by the department for a period of three (3) years or until the next audit of financial records is completed.

18. THIRD PARTY REIMBURSEMENTS, REBATES, PROMOTIONS

When a third party is expected to reimburse the state for the trip, that information along with the name and billing address of the third party must be included on the travel request. The reimbursement must be made to the agency paying the original travel or endorsed in the agency's favor.

Travel awards and benefits such as frequent flyer miles awarded as a result of state travel will become the property of the traveler and will not be claimed by the state.

19. TRAVEL CLAIMS FORMS

The State Controller shall provide each department the proper and necessary forms for the processing of travel claims. The State Controller may issue additional instructions for the submission of travel vouchers as specifically provided by [Chapter 10, Title 67](#), Idaho Code.

APPENDIX "A"

- **LODGING**

Lodging expense will be reimbursed at actual cost as long as the cost is not unreasonable or exorbitant.

- **MILEAGE AND MEALS**

Current Rate:			
<u>Effective Date</u>	<u>Private Vehicle</u>	<u>MEALS In-State</u>	<u>MEALS Out-State</u>
9-1-05	48.5 cents private vehicle/aircraft	\$30.00	\$31.00 or Federal Rate

History of Rate Changes:			
<u>Effective Date</u>	<u>Private Vehicle</u>	<u>MEALS In-State</u>	<u>MEALS Out-State</u>
7-1-74	15 cents car		
7-1-75		\$10.00	\$14.00
7-1-78	15 cents car 17 cents air	\$12.00	\$15.00
7-1-79			\$17.00
8-15-79	17 cents car		
5-1-80	18 cents car	\$15.00	\$20.00
7-1-84	22 cents car		
1-1-85	20.5 cents car		
12-13-88	22 cents pvt vehicle/aircraft		
7-1-90	26 cents car	\$20.00	\$30.00
7-1-96	31 cents pvt vehicle/aircraft	\$20.00	\$30.00
2-13-00	32.5 cents pvt vehicle/aircraft	\$20.00	\$30.00
1-2-01	34.5 cents pvt vehicle/aircraft	\$20.00	\$30.00
7-1-01	34.5 cents pvt vehicle/aircraft	\$30.00	\$30.00 or Federal Rate
1-1-02	36.5 cents pvt vehicle/aircraft	\$30.00	\$30.00 or Federal Rate
1-1-03	36.0 cents pvt vehicle/aircraft	\$30.00	\$30.00 or Federal Rate
1-1-04	37.5 cents private vehicle/aircraft	\$30.00	\$31.00 or Federal Rate

4-12-05	40.5 cents private vehicle/aircraft	\$30.00	\$31.00 or Federal Rate
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9-1-05	48.5 cents private vehicle/aircraft	\$30.00	\$31.00 or Federal Rate
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APPENDIX "B"

• MAXIMUM PER DIEM REIMBURSEMENT RATES

Daily Per Diem Reimbursement (see definition of “per diem” in Section [12A](#))

(a) In State \$30.00 day

(b) Out-of-State Per Diem Reimbursement Rate

\$31.00 per day is the base, but would allow the higher federal allowance in those locations published in IRS Publications.

Partial Day Per Diem Reimbursement

Where employees are to be absent from their official station on official business for less than twenty four (24) hours, partial day per diem reimbursement is equal to a maximum of twenty-five percent (25%) of the total per diem rate for breakfast, thirty-five percent (35%) for the total per diem rate for lunch, and fifty-five percent (55%) of the total per diem rate for dinner.

	In-State	Out-of-State
Breakfast – 25%	\$7.50	\$ 7.75 25% of Federal Rate
Lunch – 35%	\$10.50	\$10.85 35% of Federal Rate
Dinner – 55%	\$16.50	\$17.05 55% of Federal Rate

Official Conferences or Conventions

The above limits upon partial day per diem reimbursements do not apply to official conferences or conventions as described in [11.1](#) herein whether at the official station or not. As to such conferences or conventions, only the statutory daily limits of [I.C. §67-2008](#) will apply.

Agencies may adopt maximums of lesser amounts than those established by the Board of Examiners.

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APPENDIX C

Moving Policy

STATE MOVING POLICY and PROCEDURES

SBEX Policy No. 442-30

Adopted: August 1, 1974

Last Amended: July 13, 2004



STATE
BOARD of
EXAMINERS

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Policy

I. History of Amendments

The State Board of Examiners first adopted a policy on moving expense reimbursement August 1, 1974. The policy recognized that “in order for the State...to attract and retain professional staff, it may be necessary to defray normal intrastate and interstate moving expenses.” Over the years, the policy has been rewritten and amended several times. Table 1 is a chronology of these amendments.

Table 1. Amendments to State Moving Policy

Date	Brief Summary of Changes
7/25/1975	Defined limited assistance when selling a home and required approvals, procedures and allowable expenditures for moving
8/1/1980	Expanded allowable expenditures and adjusts limits.
2/1/1986	Adopted second option for home sales (relocation service) and clarified some policy wording
5/13/1986	Clarified mortgage fee as a pre-payment fee
9/23/1987	Adopted further limitations for daily expenses, appliance services and period for sale of home
11/26/1990	Adopted provisions for travel reimbursement including a stopover during the actual move
7/1/1995	Amended limits on offering moving expenses to new hires
4/9/1996	Adopted provisions regarding new hires and voluntary termination payback terms were added
1/1/1998	Adopted limit of moving expense reimbursement offerings to new hires only under extraordinary circumstances and with prior approval of the Board, and required Board approval for amounts over \$5,000
6/15/1999	Amended policy requiring new hires to sign a payback

	agreement
10/10/2000	Adopted amendment that authorized State Board of Examiners' subcommittee to approve new hire moving requests up to \$5,000 and introduced a prorated payback policy
2/13/2001	Amended policy to clarify taxability of state paid moving expenses
7/1/2002	Adopted a third real estate assistance option: straight percentage of home value as well as adjusted various moving policy rates
2/10/2004	Adopted maximum moving expense reimbursement not to exceed 10% of the employee's base salary or \$5,000, whichever is less; a new service agreement and various policy adjustments for clarity.
7/13/2004	Adopted maximum moving expense reimbursement not to exceed 10% of the employee's base salary or \$15,000, which ever is less; removed policy regarding packing weight limitation; all agencies are required to report moving expense reimbursements annually.
9/1/2005	Amended policy to change the rate for computing deductible moving. As of September 1, 2005, the rate for computing deductible moving is 22 cents/mile. The rate for computing nondeductible moving is 26.5 cents/mile.

II. Philosophy

To enable the State to be competitive in the employment market and to be able to attract and retain a competent work force, it may be necessary to allow agencies the discretionary authority to defray an employee's moving expenses. Relocation is becoming increasingly common. Policies that help ease the employee's financial, personal and psychological problems of moving family and personal property are both a business necessity and a morale booster. The State Board of Examiners establishes this policy to provide equitable procedures for employees of the State and to improve the economy for the citizens and taxpayers of Idaho.

The State may provide reimbursement for the sum of actual, allowed moving expenditures with "[adequate accounting](#)." The reimbursement may be up to the maximum individual reimbursement rates or the maximum aggregate moving expense reimbursements limit as prescribed in this policy. Each agency may adopt a more restrictive moving policy. All moving expense reimbursements shall comply with the terms and conditions of the State Moving Policy and Procedures as prescribed herein and any applicable agency or institutional moving policy. An employee, who does not follow these policies and personally negotiates a move, shall be liable for all moving expenses.

Employees, both current and prospective, are cautioned that the federal Omnibus Budget Reconciliation Act of 1993 made some types of employer reimbursed moving expenses excludable from income under [Section 132](#) of the Internal Revenue Code (IRS). IRS classified these types as "*qualified*" moving expenses. Other types of reimbursable moving expenses that are not included under Section 132 are considered by IRS to be "*nonqualified*" moving expenses and therefore subject to employment taxes if reimbursed to the employee. In addition, for reimbursements to qualify for exclusion from income the moving expenses

must meet IRS time and distance tests. These tests along with examples of the qualified and nonqualified moving expenses are provided in [Appendices A-C](#) of this policy. Employees are encouraged to consult with a personal tax professional for advice on the tax implications of any moving reimbursements.

III. Eligibility and Authorization

This policy allows reimbursement of moving expenses for a current or newly hired employee as follows.

A. Agency Authorization

The agency director or designated representative shall have the authority to decide whether to pay moving expenses on a case-by-case basis up to the limits set forth in this policy.

B. Current State Employee

1. Employed for a minimum of six (6) months at the current agency.
2. The appointing authority requires a change in the employee's official workstation and such move shall be in the best interest of the agency and the State.
3. All moves must meet the IRS [Distance Test](#) (Appendix B) to qualify for moving reimbursements.
4. All moves require prior written approval of the agency director or designated representative to qualify for moving expense reimbursements.

C. Newly Hired State Employee

1. New employees shall coordinate any moving expense reimbursements through the hiring agency's office of human resources or payroll.
2. When officially hired and prior to incurring any moving expenses, the new employee and hiring agency director shall sign an [Employee Moving Service Agreement](#) (Appendix D) stating the terms and conditions associated with receipt of any moving expense reimbursement.
3. All moves must meet the IRS [Distance Test](#) (Appendix B) to qualify for moving reimbursements.
4. The maximum aggregate moving expense reimbursement shall not exceed 10% of the employee's base salary or \$15,000 whichever is less.
5. If a newly hired employee should voluntarily resign before fulfilling a required period of employment as stated in the Employee Moving Service Agreement pursuant to this policy, the employee is liable to repay the agency at prorated-payback amounts.

Payback amounts shall be determined as follows if resignation is:

- Within one (1) year of the official beginning date of employment, the employee shall be required to pay back all (100%) of the reimbursed moving expenses.
- More than one (1) year but less than two (2) years from the official beginning date of employment, the employee shall be required to pay back that portion of the reimbursed moving expenses that exceeded \$5,000.
- More than two (2) years but less than three (3) years from the official beginning date of employment, the employee shall be required to pay back that portion of the reimbursed moving expenses that exceeded \$10,000.

6. Any exemptions to the payback agreement shall require prior approval by the State Board of Examiners.

D. Household moves

If more than one member of a household is employed by the State, moving reimbursement shall be allowed for one employee only. If both members of a household are employed by

the same agency, then moving reimbursement shall be based on the employee with the greater base salary.

E. Annual Moving Expense Reports

Agencies shall report *all* moving reimbursements to the Secretary of the State Board of Examiners annually.

IV. General Moving Expenses

Generally reimbursable moving expenditures shall comply with the following conditions.

A. Prohibit Use of State Equipment

Use of State equipment to move an employee or to pull a privately owned trailer or mobile home is expressly prohibited.

B. Lodging

The State may reimburse the actual and necessary daily lodging expenses during a reasonable transit period for a move plus five (5) days.

C. Per Diem (Meals and Incidental Expenses)

The State may reimburse per diem (meals and incidental expenses) as follows:

1. An individual employee is allowed the current State Travel Policy per diem rate during a reasonable transit period for a move plus five (5) days;
2. Each employee's dependent is allowed the current State Board of Examiners' Travel Policy per diem rate for the individual employee during a reasonable transit period for a move plus five (5) days; yet
3. In no event shall the employee and dependents combined daily per diem reimbursement exceed four (4) times that of an individual employee's per diem rate.

D. Transportation

The State may reimburse the employee in compliance with the [State Travel Policy](#) for the most economical mode of transportation during:

1. Househunting Trip

The State allows one (1) round-trip pre-moving (househunting) trip for up to two people at the current rates for lodging, per diem and transportation pursuant to the State Travel Policy. The househunting trip shall not exceed 5 days.

2. Actual Move

The State shall reimburse the employee for one-way transport of up to two (2) privately owned vehicles (POV) from the old to the new location by the most economical means. The agency and employee shall choose the *most economical* mode of transportation from the following:

- a. The employee (or dependent) may drive the vehicle(s) and receive reimbursement at the current mileage rate for use of privately owned vehicles plus per diem and lodging pursuant to the State Travel Policy; or
- b. The employee may hire a commercial moving company to transport the vehicle(s) and receive reimbursement for the transport charges plus travel expenses for the employee and dependents pursuant to State Travel Policy.

E. Extra Labor

The State generally will not reimburse moving expenses for extra labor—charges for doing things that would normally be done by the employee. However, under extraordinary or justified hardship circumstances, the employee may petition the State Board of Examiners requesting a waiver to be reimbursed up to a maximum amount for extra labor. The Board must grant a waiver prior to the employee accruing extra labor expenses.

V. Commercial Mover Expenses

The State may reimburse an employee or the state agency may contract directly with a commercial mover to assist moving an eligible employee.

A. Personal Vehicles

The State may reimburse transportation charges for up to two (2) vehicles conveyed by a commercial mover as specified in [IV D 2](#) of this policy.

B. Appliance Services

The State may reimburse charges to disconnect, prepare for shipment, and reconnect appliances such as washers, dryers, etc., if the commercial moving company provides these services. However, the State shall not reimburse charges for capital improvements, such as wiring or plumbing, to accommodate appliance installations. In addition, the State shall not reimburse service charges to disconnect and install televisions and radio antennas, playground equipment, hot tubs or Jacuzzis.

C. Insurance

1. The State may reimburse the employee for additional personal property insurance premiums up to \$100.00 maximum above and beyond the personal property insurance normally provided by the commercial mover.
2. The State shall not reimburse the employee for personal liability insurance premiums.

VI. Self-Haul Expenses

In some situations employees may choose to move their household goods, personal effects and family members themselves using their own or rented modes of conveyance. For this method of moving, the State Board of Examiners set the following reimbursable expenditures and limitations.

A. Truck Rental or Other Rental Conveyance

The State may reimburse rental charges, which include mileage rates charged by the rental company, for truck rental, towing dolly or other rental conveyance for employees to move their own household goods, personal belongings and privately owned vehicle(s). Transport of privately owned vehicle(s) shall comply with [IV D](#) of this policy.

B. Non-household Items

The State shall not reimburse expenses for self-hauling of animals, camper trailers, boats, other non-household items and more than two (2) privately owned vehicles as defined in [V B](#) of this policy.

C. Insurance

1. The State may reimburse the employee up to \$100.00 maximum for personal property insurance premium to insure household goods.
2. The State shall not reimburse the employee for personal liability insurance premiums.

VII. Mobile Home Moves

The State may reimburse an employee to move a mobile home under the following circumstances:

- The mobile home is the primary residence of the employee;
- The employee's commuting distance shall have increased by at least 50 miles one way;
- The appointing authority shall give written authorization prior to the employee incurring any expenses; and

A. Commercial Mobile Home Move

1. Only a licensed and bonded mobile home transfer company in the area may be engaged to conduct the move.
2. The State may reimburse the employee for labor to unblock or block the mobile home, disconnect or reconnect utility services (electrical, sewer, water, gas, etc.) and disassemble and reassemble skirting only if a licensed contractor performs the work.
3. The State may reimburse the employee for installation materials only when city, county or state codes require specific changes to connect utilities or install the mobile home. Otherwise, no materials may be reimbursable to complete a particular installation of a mobile home.
4. The State may reimburse personal property insurance only if the commercial transfer company provides this coverage as part of the moving fee. Any additional personal property

insurance over and above that supplied by the mobile home transfer company shall be purchased at the employee's expense.

B. Self-haul Mobile Home Move

Reimbursements for self-hauled mobile home moves are limited to the following:

1. The State may reimburse only mileage at the rate for a single, privately owned vehicle, as prescribed in the current State Travel Policy.
2. The State may reimburse the employee for labor to unblock or block the mobile home, disconnect or reconnect utility services (electrical, sewer, water, gas, etc.) and disassemble and reassemble skirting only if a licensed contractor performs the work.
3. The State shall not reimburse any charges for insurance.

VIII. Storage Including Warehouse Handling and Delivery

All new and transferring employees are strongly encouraged to make arrangements for housing prior to the arrival of household goods at the new location. However, if under *unusual circumstances* prior housing cannot be arranged, the State may reimburse the following expense:

A. Storage

The State may reimburse storage expense up to a maximum of thirty (30) consecutive days after the day the items are moved from the former residence and before delivered to the new residence.

B. Delivery and Handling Charges

1. The State may reimburse delivery and handling charges for the stored household goods and personal belongings; however,
2. Total storage, handling and delivery charges shall not exceed \$800.00.

IX. Exemptions or Amendments

Periodically, circumstances may require special consideration by the Board of Examiners to grant an exemption to this policy. Likewise, the Board recognizes the value of periodic review of this policy to maintain the best benefits for the State and its employees and to ensure realistic and accountable guidelines for moving assistance statewide. As such, the Board shall adhere to the following guidelines.

A. Exemptions

An agency or employee seeking an exemption to the State Moving Policy and Procedures shall:

1. Petition the Board stating the terms of the desired change and detailing the relevant extraordinary circumstances; and
2. Secure written approval by the Board prior to altering any terms of this policy or incurring any moving expenses therefrom.

B. Amendments

The Board shall review this policy for relevance and applicability not less than once every four years. Further the Board reserves the right to amend this policy at any time.

Approved and signed by the State Board of Examiners at Boise, Idaho the 13th day of July in two-thousand and four. This policy shall remain in effect until July 13, 2006 at which time the Board shall review said policy prior to renewal or until such earlier time as the State Board of Examiners may choose to amend or alter this policy.

_____/s/ **Keith L. Johnson**

Keith L. Johnson, Secretary to the State Board of Examiners
and Idaho State Controller

Procedures

X. Initial Arrangements

- A. The Board of Examiners recommends that each agency secure any approvals for exemptions to the Moving Policy prior to announcing a job vacancy in which moving benefits may be offered.
- B. The appointing authority shall prescribe the methods and forms for granting authorization for moving reimbursements and for payment of moving expenses in accordance with this policy.
- C. The employee shall contact the appointing authority, the office of human resources or accounting division at the appointing agency to initiate any moving expense reimbursement arrangements. The agency director or designated representative shall give *written authorization* (an [Employee Moving Service Agreement](#), Appendix D) to an employee or prospective employee *prior to initiating any moving arrangements or incurring any moving expenses*.

XI. Processing a Request

To process a moving expense reimbursement, the employee shall comply with the following guidelines.

- A. Adhere to the policy and procedures pursuant to the State Board of Examiners' Moving Policy and any pertinent moving policy of the appointing agency.
- B. Follow the processing steps of the State Controller's Office outlined in:
 1. ["Interagency Billings: Moving"](#) of the *Statewide Accounting and Reporting System (STARS) Manual*; and
 2. ["Non-hourly Earnings Codes"](#) in the *DSP Personnel/Payroll Users Manual (EIS)* Common Codes>Earnings Codes>Non-hourly Earnings.
- C. Eligible employees must submit to the appointing agency "adequate accounting" of expenditures, namely receipts, bills, vouchers or other auditable documentation as defined by the IRS ([Publication 521 "How to Report"](#)), to qualify for reimbursements.
- D. For further assistance, contact the Bureau of Accounting Services, Division of Statewide Payroll, State Controller's Office, at 334-2394.

Note: The accounting and payroll methods to process moving expense reimbursements depend upon who is paid the reimbursement or whether the reimbursement is qualified or nonqualified according to the federal Omnibus Budget Reconciliation Act of 1993. The federal law made some types of employer reimbursed moving expenses excludable from income under Section 132 of the Internal Revenue Code ([Appendix A](#)).

For further information on State Board of Examiners official policies and procedures, Contact the Idaho State Controller's Office at 208-334-3100 or email brdexam@sco.state.id.us

Appendices

XII. Appendix A: IRS Taxable / Nontaxable Moving Expenses

Allowable reimbursements by the State may have tax consequences for the employee. Table A1 details allowable reimbursements that the Internal Revenue Service considers qualified and nonqualified real estate relocation expenses. This list is not necessarily all-inclusive and is intended as a convenient reference. For further information, consult the Internal Revenue Service's moving reimbursement regulations (IRS Publication [521](#) or [523](#)) or contact the Division of Statewide Payroll in the State Controller's Office.

Employees are encouraged to consult with a personal tax professional for advice on the tax implications of any moving reimbursements.

Table A1. Examples of Qualified and Nonqualified Moving Reimbursements

Qualified	Nonqualified
-----------	--------------

(Nontaxable; deductible by employee) ‡	(Taxable or nondeductible by employee) Ω
Travel—only during actual move from former to new location	Travel—during any trips other than the actual move
Mileage for moving expenses allowed by the IRS (XIV. Appendix C: IRS Travel by Car Taxable Moving Rate)	Mileage over the amount allowed by the IRS (XIV. Appendix C: IRS Travel by Car Taxable Moving Rate)
Lodging only during actual move from former to new location	Lodging during any trips other than the actual move
Household goods	Per diem (meals and some incidental expenses)
Packing charges	Storage plus warehouse handling & delivery
Personal property insurance	
Appliance services	
Extra labor	
Truck rental or other rental conveyance	
Mobile home moves	

NOTES:

‡The total dollars of "Qualified Moving Expenses" are required by the IRS to appear on the employee's W-2 form in box thirteen (13) as Code P if paid directly to the employee.

ΩThe total dollars of "Nonqualified Moving Expenses" will be processed through the payroll system with applicable taxes withheld and corresponding employer benefits paid. The total payment amount will pass through labor distribution and post to the agency's Operating Expense category. The system will generate a state warrant for the net amount payable to the employee.

XIII. Appendix B: IRS Time, Distance & Related to Work Tests

To qualify for moving expense reimbursement by the State of Idaho, the employee shall meet the distance test in accordance with the Internal Revenue Service (Pub. 521, ["Who Can Deduct Moving Expenses"](#)). Explanations below are not all inclusive. Please contact your tax advisor or the State Controller's Office, at 334-2394 for further assistance.

A. Time Test

The employee must work full time for at least 39 weeks during the first 12 months after arriving in the general area of the new job location. Full-time employment for the State is a 40-hour workweek for twelve (12) months or an academic contract for either nine (9) or twelve (12) months.

B. Distance Test

The distance test considers only the location of the former home. The distance between the employee's new work location and the former home (Figure 1. Distance A) must be 50 miles

greater than the distance between the employee's former work location and the former home (Figure 1. Distance B). The distance between a job location and the former home is the shortest of the more commonly traveled routes between them. The employee's commuting distance must have increased by at least 50 miles one way.

C. Related to Start of Work

Moving expenses qualify as closely related in time to the start of work when the moving expenses incurred within one (1) year from the date the employee started work at the new location. Moving expenses qualify as closely related in place to the start of work when the distance from the new residence to the new job location (C) is not more than the distance from your former home to the new job location (A), e.g. $C < A$ (Figure B1).

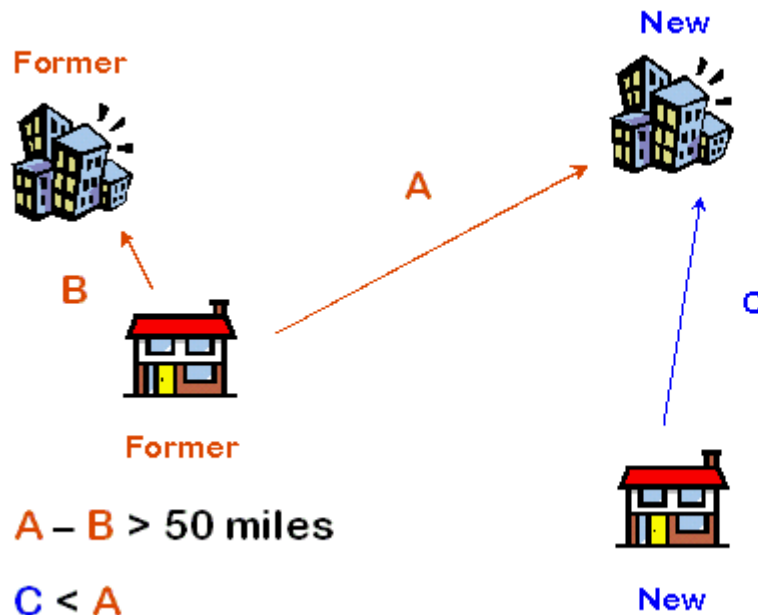


Figure B1. Example of Distance Test

Note: If the Time, Distance and Related to state of Work qualifications are *not* met, IRS will consider the full amount of moving expense reimbursement to the employee to be nonqualified and therefore taxable.

XIV. Appendix C: IRS Travel by Car Taxable Moving Rate

When traveling by car during the move to a new job location, the *Internal Revenue Service* allows employer reimbursed vehicle expenses that are either:

- Actual expenses, such as gas and oil for the vehicle, parking fees or tolls, if accurate records of each expense are kept; or
- Current standard mileage rate allowed by the IRS (Pub. 521, "[Travel by Car](#)"). (See the [State Travel Policy](#) for mileage rates and conditions for reimbursement allowed by the State.)

Any part of general repairs, general maintenance, insurance or depreciation for the employee's vehicle does not qualify as a reimbursable expenditure.

If the employee chooses to use the State business travel reimbursement rate per mile and it exceeds the current IRS standard mileage rate for moving, then IRS

requires that portion of the rate per mile over the IRS standard to be taxable to the employee ([IR-2005-99](#)).

If the employee chooses to use actual expenses for the vehicle, then the State shall reimburse such expenditures only up to the total amount for reimbursement as calculated using the business travel rate per mile in the State Travel Policy.

XV. Appendix D: SAMPLE Employee Moving Service Agreement

EMPLOYEE MOVING SERVICE AGREEMENT State Board of Examiners – SBEX Form# 442-30A State of Idaho

"Agency" as used herein is	Name:	_____
		State of Idaho
	Address:	_____

"New Hire" (hereinafter called "Employee") or		
"Employee" as used herein is	Name:	_____
	Address:	_____

"Board" as used herein is the State Board of Examiners, State of Idaho.

"Agency Head" as used herein is the director, chief administrator or president of a State of Idaho agency or institution of higher education.

WHEREAS, the Agency and Employee are mutually desirous that Employee's place of residence be relocated from _____ to _____; and

WHEREAS, The Employee certifies having read the State Moving Policy and any applicable agency policy(ies) in effect as of the date of this agreement, namely the _____, which said agency shall attach hereto with the Employee's signature, and the Employee hereby agrees to abide by the terms of these policies.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the Agency and Employee do hereby agree to the following:

1. The Employee agrees to remain in the employing Agency in the position as hired at the date of this agreement for a period of _____ year(s) beginning on _____ unless waived by petition to the Agency Head and approved by the Board;

2. The Agency agrees to reimburse or pay on behalf of the Employee certain expenses incurred as a result of moving. Reimbursable expenses are limited according to the State Moving Policy in effect on the date of this agreement and incorporated herein by reference. It is agreed that the total reimbursable expenses may be limited to ten percent (10%) of the employee's base salary; unless an additional amount has been authorized by the Board of Examiners;

3. The Agency and Employee agree that said reimbursement is conditioned upon the Employee remaining in the employ of the Agency as cited in paragraph 1, and that should the Employee voluntarily resigns this position or is dismissed for intentional misconduct in the Agency during the designated term of employment, the Employee shall repay the Agency according to the following schedule:

- a. Should the reimbursement not exceed \$5,000 total and the Employee voluntarily resigns within one calendar year from the beginning date of employment, the Employee shall be required to pay back all (100%) of the reimbursed expenses; or
- b. Should the reimbursements exceed \$5,000 and the Employee voluntarily resigns more than one year and less than two years from the beginning date of employment, the Employee shall be required to pay back that portion of the reimbursed expenses that exceeded \$5,000; or
- c. Should the reimbursements exceed \$10,000 and the Employee voluntarily resign more than two years and less than three years from the beginning date of employment, the Employee shall be required to pay back that portion of the reimbursed expenses that exceeded \$10,000. Amount is due in full at termination.

4. Any exemptions to this policy require a petition and approval from the Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

Employee signature Date

Agency Head signature Date

XVI. Appendix E: Glossary

1. "Adequate accounting" means documentation with *original* receipts, invoices, cancelled checks and statement of expenses, account, book, diary or similar record in which expenses were entered at or near time of accrual. (Note: Original receipts are required by auditors at State Controller's Office and Legislative Services Office.)

2. "Agency" means any state department and executive branch organizations as authorized in I.C. 67-2402 and their affiliated boards, commissions, councils, etc. unless otherwise prescribed by law.

3. "Agency director" (aka agency head) means the chief executive officer, director, administrator or president of a State of Idaho agency or institution of higher education.

4. "Aggregate moving expense reimbursement" means the maximum total of all actual, allowable individual expenditures associated with a move that may be reimbursed by the State pursuant to this State Moving Policy.

5. "Appointing authority" means the agency director or designated representative authorized to hire and fire employees.

6. "Board" means the State Board of Examiners of the State of Idaho.
7. "Employee Moving Service Agreement" means a written agreement signed by the employee and agency director or designated representative defining the terms and conditions of any State paid moving reimbursements.
8. "Nonqualified moving expenses" means expenses that the employee may not deduct from a federal individual income tax return and any reimbursement by the employer for these expenses are taxable income.
9. "Qualified moving expenses," means expenses that the employee may deduct from a federal individual income tax return and any reimbursement by the employer for such expenses is not taxable income.
10. "Reimbursement" means a payment from the State of Idaho to an employee or a vendor with whom an agency may contract directly for assistance to move an employee.
11. "Voluntarily resigns" means the employee elects to terminate employment with the appointing agency, excluding death, serious health disability or circumstances beyond the employee's control and such termination is accepted by the appointing authority.

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APPENDIX D

EXECUTIVE ORDER NO. 2005-22

ESTABLISHING STATEWIDE POLICIES ON COMPUTER, INTERNET AND ELECTRONIC MAIL USAGE BY STATE EMPLOYEES

WHEREAS, computers, the Internet and electronic mail are powerful research, communication, commerce and time-saving tools that are made available to state employees; and

WHEREAS, use of these effective communication tools is critical and there is the potential for computers, the Internet and electronic mail to be used for inappropriate purposes; and

WHEREAS, perceptions and actions are important and state employees must constantly be aware of how their actions are perceived by the public.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:

All state employees shall observe the following policies for use of computers, the Internet and electronic mail:

- 1. Users of the Internet and electronic mail are to comply with all appropriate laws and regulations;*
- 2. The primary purpose of the Internet and electronic mail is to conduct official state business. Occasionally, employees may use the Internet and electronic mail for individual purposes on their personal time, if such use does not violate the terms and conditions of this policy;*
- 3. Users should identify themselves properly when using the Internet and electronic mail, conduct themselves professionally, as representatives of Idaho State Government, and be aware that their activities reflect on the reputation and integrity of all state employees;*
- 4. Each user is individually responsible for the content of any communication sent using electronic mail or placed on the Internet;*
- 5. All employees have a responsibility to ensure a respectful workplace. State equipment shall not be used to visit Internet sites that contain pornographic or sexually explicit information, images, or cartoons;*
- 6. Exceptions to this executive order are only allowed when pre-approved in writing by appointed authorities when deemed necessary for official state business, research or investigatory work;*
- 7. It is unacceptable for state employees to:*

- a) Create or distribute defamatory, false, threatening, racially offensive, discriminatory or illegal material;
- b) View or distribute obscene, pornographic, profane, or sexually oriented material;
- c) Violate laws, rules, or regulations prohibiting sexual harassment;
- d) Encourage the use of controlled substances;
- e) Engage in any unauthorized activities for personal financial gain;
- f) Place advertisements for commercial enterprises, including but not limited to goods, services or property;
- g) Download, disseminate, store or print materials including articles and software in violation of copyright laws;
- h) Violate or infringe on the protected rights of others;
- i) Conduct business unauthorized by the department;
- j) Restrict or inhibit other users from using the system or the efficiency of the computer systems;
- k) Intentionally cause congestion or disruption of networks or systems;
- l) Transmit incendiary statements, which might incite violence or describe or promote the use of weapons;
- m) Conduct political activity; or
- n) Use the system for any illegal purpose.


Disregard for the policies or other improper use of the Internet may result in cancellation of a person's access and/or disciplinary action, up to and including dismissal;

Internet and electronic mail may be subject to monitoring;

The above policies are the minimum standards for using computers, the Internet and electronic mail. Individual state agencies may implement more restrictive policies as long as those policies are consistent with those developed by the Governor's Information Technology Resource Management Council (ITRMC). This Executive Order shall cease to be effective four years after its effective date.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of November in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.


 DIRK KEMPTHORNE
 GOVERNOR



BEN YSURSA
 SECRETARY OF STATE

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Federal law prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue Room 3310, Seattle WA 98174-1099; Telephone: (206) 220-7900; FAX: (206) 220-7887, TDD: (206) 220-7907, Email: OCR_Seattle@ed.gov